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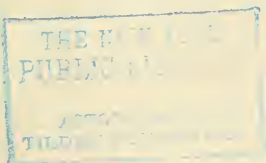
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VOLUME 20
THE CHRONICLES
OF AMERICA SERIES
ALLEN JOHNSON
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ASSISTANT EDITORS





"LET US PREY"

After the cartoon by Thomas Nast

THE AGE OF REFORM

PART 1: THE BOSS AND THE MACHINE

BY SAMUEL P. ORTH

PART 2: THE CLEVELAND ERA

BY HENRY JONES FORD



NEW HAVEN: YALE UNIVERSITY PRESS

TORONTO: GLASGOW, BROOK & CO.

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THE BOSS AND THE MACHINE
A CHRONICLE
OF THE POLITICIANS AND PARTY
ORGANIZATION
BY
SAMUEL P. ORTH

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SAMUEL P. ORTH

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THE BOSS AND THE MACHINE

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CHAPTER I

THE RISE OF THE PARTY

THE party system is an essential instrument of Democracy. Wherever government rests upon the popular will, there the party is the organ of expression and the agency of the ultimate power. The party is, moreover, a forerunner of Democracy, for parties have everywhere preceded free government. Long before Democracy as now understood was anywhere established, long before the American colonies became the United States, England was divided between Tory and Whig. And it was only after centuries of bitter political strife, during which a change of ministry would not infrequently be accompanied by bloodshed or voluntary exile, that England finally emerged

with a government deriving its powers from the consent of the governed.

✓ The functions of the party, both as a forerunner and as a necessary organ of Democracy, are well exemplified in American experience. Before the Revolution, Tory and Whig were party names used in the colonies to designate in a rough way two ideals of political doctrine. The Tories believed in the supremacy of the Executive, or the King; the Whigs in the supremacy of Parliament. The Tories, by their rigorous and ruthless acts giving effect to the will of an un-English King, soon drove the Whigs in the colonies to revolt, and by the time of the Stamp Act (1765) a well-knit party of colonial patriots was organized through committees of correspondence and under the stimulus of local clubs called "Sons of Liberty." Within a few years, these patriots became the Revolutionists, and the Tories became the Loyalists. As always happens in a successful revolution, the party of opposition vanished, and when the peace of 1783 finally put the stamp of reality upon the Declaration of 1776, the patriot party had won its cause and had served its day.

Immediately thereafter a new issue, and a very significant one, began to divide the thought of

the people. The Articles of Confederation, adopted as a form of government by the States during a lull in the nationalistic fervor, had utterly failed to perform the functions of a national government. Financially the Confederation was a beggar at the doors of the States; commercially it was impotent; politically it was bankrupt. The new issue was the formation of a national government that should in reality represent a federal nation, not a collection of touchy States. Washington in his farewell letter to the American people at the close of the war (1783) urged four considerations: a strong central government, the payment of the national debt, a well-organized militia, and the surrender by each State of certain local privileges for the good of the whole. His "legacy," as this letter came to be called, thus bequeathed to us Nationalism, fortified on the one hand by Honor and on the other by Preparedness.

The Confederation floundered in the slough of inadequacy for several years, however, before the people were sufficiently impressed with the necessity of a federal government. When, finally, through the adroit maneuver of Alexander Hamilton and James Madison, the Constitutional Convention was called in 1787, the people were in

a somewhat chastened mood, and delegates were sent to the Convention from all the States except Rhode Island.

No sooner had the delegates convened and chosen George Washington as presiding officer, than the two opposing sides of opinion were revealed, the nationalist and the particularist, represented by the Federalists and the Anti-Federalists, as they later termed themselves. The Convention, however, was formed of the conservative leaders of the States, and its completed work contained in a large measure, in spite of the great compromises, the ideas of the Federalists. This achievement was made possible by the absence from the Convention of the two types of men who were to prove the greatest enemy of the new document when it was presented for popular approval, namely, the office-holder or politician, who feared that the establishment of a central government would deprive him of his influence, and the popular demagogue, who viewed with suspicion all evidence of organized authority. It was these two types, joined by a third—the conscientious objector—who formed the Anti-Federalist party to oppose the adoption of the new Constitution. Had this opposition been well

organized, it could unquestionably have defeated the Constitution, even against its brilliant protagonists, Hamilton, Madison, Jay, and a score of other masterly men.

The unanimous choice of Washington for President gave the new Government a non-partizan initiation. In every way Washington attempted to foster the spirit of an undivided household. He warned his countrymen against partizanship and sinister political societies. But he called around his council board talents which represented incompatible ideals of government. Thomas Jefferson, the first Secretary of State, and Alexander Hamilton, the first Secretary of the Treasury, might for a time unite their energies under the wise chieftainship of Washington, but their political principles could never be merged. And when, finally, Jefferson resigned, he became forthwith the leader of the opposition—not to Washington, but to Federalism as interpreted by Hamilton, John Adams, and Jay.

The name Anti-Federalist lost its aptness after the inauguration of the Government. Jefferson and his school were not opposed to a federal government. They were opposed only to its pretensions, to its assumption of centralized power.

Their deep faith in popular control is revealed in the name they assumed, Democratic-Republican. They were eager to limit the federal power to the glorification of the States; the Federalists were ambitious to expand the federal power at the expense of localism. This is what Jefferson meant when he wrote to Washington as early as 1792, "The Republican party wish to preserve the Government in its present form." Now this is a very definite and fundamental distinction. It involves the political difference between government by the people and government by the representatives of the people, and the practical difference between a government by law and a government by mass-meeting.

Jefferson was a master organizer. At letter-writing, the one means of communication in those days, he was a Hercules. His pen never wearied. He soon had a compact party. It included not only most of the Anti-Federalists, but the small politicians, the tradesmen and artisans, who had worked themselves into a ridiculous frenzy over the French Revolution and who despised Washington for his noble neutrality. But more than these, Jefferson won over a number of distinguished men who had worked for the adoption of the Constitution,

the ablest of whom was James Madison, often called "the Father of the Constitution."

The Jeffersonians, thus representing largely the debtor and farmer class, led by men of conspicuous abilities, proceeded to batter down the prestige of the Federalists. They declared themselves opposed to large expenditures of public funds, to eager exploitation of government ventures, to the Bank, and to the Navy, which they termed "the great beast with the great belly." The Federalists included the commercial and creditor class and that fine element in American life composed of leading families with whom domination was an instinct, all led, fortunately, by a few idealists of rare intellectual attainments. And, with the political stupidity often characteristic of their class, they stumbled from blunder to blunder. In 1800 Thomas Jefferson, who adroitly coined the mistakes of his opponents into political currency for himself, was elected President. He had received no more electoral votes than Aaron Burr, that mysterious character in our early politics, but the election was decided by the House of Representatives, where, after seven days' balloting, several Federalists, choosing what to them was the lesser of two evils, cast the deciding votes for Jefferson.

When the Jeffersonians came to power, they no longer opposed federal pretensions; they now, by one of those strange veerings often found in American politics, began to give a liberal interpretation to the Constitution, while the Federalists with equal inconsistency became strict constructionists. Even Jefferson was ready to sacrifice his theory of strict construction in order to acquire the province of Louisiana.

The Jeffersonians now made several concessions to the manufacturers, and with their support linked to that of the agriculturists Jeffersonian democracy flourished without any potent opposition. The second war with England lent it a doubtful luster but the years immediately following the war restored public confidence. Trade flourished on the sea. The frontier was rapidly pushed to the Mississippi and beyond into the vast empire which Jefferson had purchased. When everyone is busy, no one cares for political issues, especially those based upon philosophical differences. So Madison and Monroe succeeded to the political regency which is known as the Virginia Dynasty.

This complacent epoch culminated in Monroe's "Era of Good Feeling," which proved to be

only the hush before the tornado. The election of 1824 was indecisive, and the House of Representatives was for a second time called upon to decide the national choice. The candidates were John Quincy Adams, Andrew Jackson, Henry Clay, and William H. Crawford. Clay threw his votes to Adams, who was elected, thereby arousing the wrath of Jackson and of the stalwart and irreconcilable frontiersmen who hailed him as their leader. The Adams term merely marked a transition from the old order to the new, from Jeffersonian to Jacksonian democracy. Then was the word Republican dropped from the party name, and Democrat became an appellation of definite and practical significance.

By this time many of the older States had removed the early restrictions upon voting, and the new States carved out of the West had written manhood suffrage into their constitutions. This new democracy flocked to its imperator; and Jackson entered his capital in triumph, followed by a motley crowd of frontiersmen in coon-skin caps, farmers in butternut-dyed homespun, and hungry henchmen eager for the spoils. For Jackson had let it be known that he considered

his election a mandate by the people to fill the offices with his political adherents.

So the Democrats began their new lease of life with an orgy of spoils. "Anybody is good enough for any job" was the favorite watchword. But underneath this turmoil of desire for office, significant party differences were shaping themselves. Henry Clay, the alluring orator and master of compromise, brought together a coalition of opposing fragments. He and his following objected to Jackson's assumption of vast executive prerogatives, and in a brilliant speech in the Senate Clay espoused the name Whig. Having explained the origin of the term in English and colonial politics, he cried: "And what is the present but the same contest in another form? The partizans of the present Executive sustain his favor in the most boundless extent. The Whigs are opposing executive encroachment and a most alarming extension of executive power and prerogative. They are contending for the rights of the people, for free institutions, for the supremacy of the Constitution and the laws."

There soon appeared three practical issues which forced the new alignment. The first was the Bank. The charter of the United States

Bank was about to expire, and its friends sought a renewal. Jackson believed the Bank an enemy of the Republic, as its officers were anti-Jacksonians, and he promptly vetoed the bill extending the charter. The second issue was the tariff. Protection was not new; but Clay adroitly renamed it, calling it "the American system." It was popular in the manufacturing towns and in portions of the agricultural communities, but was bitterly opposed by the slave-owning States. A third issue dealt with internal improvements. All parts of the country were feeling the need of better means of communication, especially between the West and the East. Canals and turnpikes were projected in every direction. Clay, whose imagination was fervid, advocated a vast system of canals and roads financed by national aid. But the doctrine of states-rights answered that the Federal Government had no power to enter a State, even to spend money on improvements, without the consent of that State. And, at all events, for Clay to espouse was for Jackson to oppose.

These were the more important immediate issues of the conflict between Clay's Whigs and Jackson's Democrats, though it must be ac-

knowledge that the personalities of the leaders were quite as much an issue as any of the policies which they espoused. The Whigs, however, proved unequal to the task of unhorsing their foes; and, with two exceptions, the Democrats elected every President from Jackson to Lincoln. The exceptions were William Henry Harrison and Zachary Taylor, both of whom were elected on their war records and both of whom died soon after their inauguration. Tyler, who as Vice-President succeeded General Harrison, soon estranged the Whigs, so that the Democratic triumph was in effect continuous over a period of thirty years.

Meanwhile, however, another issue was shaping the destiny of parties and of the nation. It was an issue that politicians dodged and candidates evaded, that all parties avoided, that publicists feared, and that presidents and congressmen tried to hide under the tenuous fabric of their compromises. But it was an issue that persisted in keeping alive and that would not down, for it was an issue between right and wrong. Three times the great Clay maneuvered to outflank his opponents over the smoldering fires of the slavery issue, but he died before the repeal of the Mis-

souri Compromise gave the death-blow to his loosely gathered coalition. Webster, too, and Calhoun, the other members of that brilliant trinity which represented the genius of Constitutional Unionism, of States-Rights, and of Conciliation, passed away before the issue was squarely faced by a new party organized for the purpose of opposing the further expansion of slavery.

This new organization, the Republican party, rapidly assumed form and solidarity. It was composed of Northern Whigs, of anti-slavery Democrats, and of members of several minor groups, such as the Know-Nothing or American party, the Liberty party, and included as well some of the despised Abolitionists. The vote for Frémont, its first presidential candidate, in 1856, showed it to be a sectional party, confined to the North. But the definite recognition of slavery as an issue by an opposition party had a profound effect upon the Democrats. Their Southern wing now promptly assumed an uncompromising attitude, which, in 1860, split the party into factions. The Southern wing named Breckinridge; the Northern wing named Stephen A. Douglas; while many Democrats as well as Whigs

took refuge in a third party, calling itself the Constitutional Union, which named John Bell. This division cost the Democrats the election, for, under the unique and inspiring leadership of Abraham Lincoln, the Republicans rallied the anti-slavery forces of the North and won.

Slavery not only racked the parties and caused new alignments; it racked and split the Union. It is one of the remarkable phenomena of our political history that the Civil War did not destroy the Democratic party, though the Southern chieftains of that party utterly lost their cause. The reason is that the party never was as purely a Southern as the Republican was a Northern party. Moreover, the arrogance and blunders of the Republican leaders during the days of Reconstruction helped to keep it alive. A baneful political heritage has been handed down to us from the Civil War—the solid South. It overturns the national balance of parties, perpetuates a pernicious sectionalism, and deprives the South of that bipartizan rivalry which keeps open the currents of political life.

Since the Civil War the struggle between the two dominant parties has been largely a struggle between the Ins and the Outs. The issues

that have divided them have been more apparent than real. The tariff, the civil service, the trusts, and the long list of other "issues" do not denote fundamental differences, but only variations of degree. Never in any election during this long interval has there been definitely at stake a great national principle, save for the currency issue of 1896 and the colonial question following the War with Spain. The revolt of the Progressives in 1912 had a character of its own; but neither of the old parties squarely joined issue with the Progressives in the contest which followed. The presidential campaign of 1916 afforded an opportunity to place on trial before the people a great cause, for there undoubtedly existed then in the country two great and opposing sides of public opinion—one for and the other against war with Germany. Here again, however, the issue was not joined but was adroitly evaded by both the candidates.

None the less there has been a difference between the two great parties. The Republican party has been avowedly nationalistic, imperialistic, and in favor of a vigorous constructive foreign policy. The Democratic party has generally accepted the lukewarm international policy of Jefferson and the

exaltation of the locality and the plain individual as championed by Jackson. Thus, though in a somewhat intangible and variable form, the doctrinal distinctions between Hamilton and Jefferson have survived.

In the emergence of new issues, new parties are born. But it is one of the singular characteristics of the American party system that third parties are abortive. Their adherents serve mainly as evangelists, crying their social and economic gospel in the political wilderness. If the issues are vital, they are gradually absorbed by the older parties.

Before the Civil War several sporadic parties were formed. The most unique was the Anti-Masonic party. It flourished on the hysteria caused by the abduction of William Morgan of Batavia, in western New York, in 1826. Morgan had written a book purporting to lay bare the secrets of Freemasonry. His mysterious disappearance was laid at the doors of leading Freemasons; and it was alleged that members of this order placed their secret obligations above their duties as citizens and were hence unfit for public office. The movement became impressive in Pennsylvania, Vermont, Massachusetts, Ohio,

and New York. It served to introduce Seward and Fillmore into politics. Even a national party was organized, and William Wirt, of Maryland, a distinguished lawyer, was nominated for President. He received, however, only the electoral votes of Vermont. The excitement soon cooled, and the party disappeared.

The American or Know-Nothing party had for its slogan "America for Americans," and was a considerable factor in certain localities, especially in New York and the Middle States, from 1853 to 1856. The Free Soil party, espousing the cause of slavery restriction, named Martin Van Buren as its presidential candidate and polled enough votes in the election of 1848 to defeat Cass, the Democratic candidate. It did not survive the election of 1852, but its essential principle was adopted by the Republican party.

Since the Civil War, the currency question has twice given life to third-party movements. The Greenbacks of 1876-1884 and the Populists of the 90's were both of the West. Both carried on for a few years a vigorous crusade, and both were absorbed by the older parties as the currency question assumed concrete form and became a commanding political issue. Since 1872, the

Prohibitionists have named national tickets. Their question, which was always dodged by the dominant parties, is now rapidly nearing a solution.

The one apparently unreconcilable element in our political life is the socialistic or labor party. Never of great importance in any national election, the various labor parties have been of considerable influence in local politics. Because of its magnitude, the labor vote has always been courted by Democrats and Republicans with equal ardor but with varying success.

CHAPTER II

THE RISE OF THE MACHINE

IDEAS or principles alone, however eloquently and insistently proclaimed, will not make a party. There must be organization. Thus we have two distinct practical phases of American party politics: one regards the party as an agency of the electorate, a necessary organ of democracy; the other, the party as an organization, an army determined to achieve certain conquests. Every party has, therefore, two aspects, each attracting a different kind of person: one kind allured by the principles espoused; the other, by the opportunities of place and personal gain in the organization. The one kind typifies the body of voters; the other the dominant minority of the party.

When one speaks, then, of a party in America, he embraces in that term: first, the tenets or platform for which the party assumes to stand (i.e., principles that may have been wrought out of experience,

may have been created by public opinion, or were perhaps merely made out of hand by manipulators); secondly, the voters who profess attachment to these principles; and thirdly, the political expert, the politician with his organization or machine. Between the expert and the great following are many gradations of party activity, from the occasional volunteer to the chieftain who devotes all his time to "politics."

It was discovered very early in American experience that without organization issues would disintegrate and principles remain but scintillating axioms. Thus necessity enlisted executive talent and produced the politician, who, having once achieved an organization, remained at his post to keep it intact between elections and used it for purposes not always prompted by the public welfare.

In colonial days, when the struggle began between Crown and Colonist, the colonial patriots formed clubs to designate their candidates for public office. In Massachusetts these clubs were known as "caucuses," a word whose derivation is unknown, but which has now become fixed in our political vocabulary. These early caucuses in Boston have been described as follows: "Mr.

Samuel Adams' father and twenty others, one or two from the north end of the town, where all the ship business is carried on, used to meet, make a caucus, and lay their plans for introducing certain persons into places of trust and power. When they had settled it, they separated, and used each their particular influence within his own circle. He and his friends would furnish themselves with ballots, including the names of the parties fixed upon, which they distributed on the day of election. By acting in concert together with a careful and extensive distribution of ballots they generally carried the elections to their own mind."

As the revolutionary propaganda increased in momentum, caucuses assumed a more open character. They were a sort of informal town meeting, where neighbors met and agreed on candidates and the means of electing them. After the adoption of the Constitution, the same methods were continued, though modified to suit the needs of the new party alignments. In this informal manner, local and even congressional candidates were named.

Washington was the unanimous choice of the nation. In the third presidential election, John

Adams was the tacitly accepted candidate of the Federalists and Jefferson of the Democratic-Republicans, and no formal nominations seem to have been made. But from 1800 to 1824 the presidential candidates were designated by members of Congress in caucus. It was by this means that the Virginia Dynasty fastened itself upon the country. The congressional caucus, which was one of the most arrogant and compact political machines that our politics has produced, discredited itself by nominating William H. Crawford (1824), a machine politician, whom the public never believed to be of presidential caliber. In the bitter fight that placed John Quincy Adams in the White House and made Jackson the eternal enemy of Clay, the congressional caucus met its doom. For several years, presidential candidates were nominated by various informal methods. In 1828 a number of state legislatures formally nominated Jackson. In several States the party members of the legislatures in caucus nominated presidential candidates. DeWitt Clinton was so designated by the New York legislature in 1812 and Henry Clay by the Kentucky legislature in 1822. Great mass meetings, often garnished with barbecues, were held in many parts of the country

in 1824 for indorsing the informal nominations of the various candidates.

But none of these methods served the purpose. The President was a national officer, backed by a national party, and chosen by a national electorate. A national system of nominating the presidential candidates was demanded. On September 26, 1831, 113 delegates of the Anti-Masonic party, representing thirteen States, met in a national convention in Baltimore. This was the first national nominating convention held in America.

In February, 1831, the Whig members of the Maryland legislature issued a call for a national Whig convention. This was held in Baltimore the following December. Eighteen States were represented by delegates, each according to the number of presidential electoral votes it cast. Clay was named for President. The first national Democratic convention met in Baltimore on May 21, 1832, and nominated Jackson.

Since that time, presidential candidates have been named in national conventions. There have been surprisingly few changes in procedure since the first convention. It opened with a temporary organization, examined the credentials of delegates, and appointed a committee on permanent

organization, which reported a roster of permanent officers. It appointed a committee on platform—then called an address to the people; it listened to eulogistic nominating speeches, balloted for candidates, and selected a committee to notify the nominees of their designation. This is practically the order of procedure today. The national convention is at once the supreme court and the supreme legislature of the national party. It makes its own rules, designates its committees, formulates their procedure and defines their power, writes the platform, and appoints the national executive committee.

Two rules that have played a significant part in these conventions deserve special mention. The first Democratic convention, in order to insure the nomination of Van Buren for Vice-President—the nomination of Jackson for President was uncontested—adopted the rule that “two-thirds of the whole number of the votes in the convention shall be necessary to constitute a choice.” This “two-thirds” rule, so undemocratic in its nature, remains the practice of the Democratic party today. The Whigs and Republicans always adhered to the majority rule. The early Democratic conventions also adopted the practice of allowing the

majority of the delegates from any State to cast the vote of the entire delegation from that State, a rule which is still adhered to by the Democrats. But the Republicans have since 1876 adhered to the policy of allowing each individual delegate to cast his vote as he chooses.

The convention was by no means novel when accepted as a national organ for a national party. As early as 1789 an informal convention was held in the Philadelphia State House for nominating Federalist candidates for the legislature. The practice spread to many Pennsylvania counties and to other States, and soon this informality of self-appointed delegates gave way to delegates appointed according to accepted rules. When the legislative caucus as a means for nominating state officers fell into disrepute, state nominating conventions took its place. In 1812 one of the earliest movements for a state convention was started by Tammany Hall, because it feared that the legislative caucus would nominate DeWitt Clinton, its bitterest foe. The caucus, however, did not name Clinton, and the convention was not assembled. The first state nominating convention was held in Utica, New York, in 1824 by that faction of the Democratic party calling itself

the People's party. The custom soon spread to every State, so that by 1835 it was firmly established. County and city conventions also took the place of the caucus for naming local candidates.

But nominations are only the beginning of the contest, and obviously caucuses and conventions cannot conduct campaigns. So from the beginning these nominating bodies appointed campaign committees. With the increase in population came the increased complexity of the committee system. By 1830 many of the States had perfected a series of state, district, and county committees.

There remained the necessity of knitting these committees into a national unity. The national convention which nominated Clay in 1831 appointed a "Central State Corresponding Committee" in each State where none existed, and it recommended "to the several States to organize subordinate corresponding committees in each county and town." This was the beginning of what soon was to evolve into a complete national hierarchy of committees. In 1848 the Democratic convention appointed a permanent national committee, composed of one member from each State. This committee was given the power to call the next

national convention, and from the start became the national executive body of the party.

It is a common notion that the politician and his machine are of comparatively recent origin. But the American politician arose contemporaneously with the party, and with such singular fecundity of ways and means that it is doubtful if his modern successors could teach him anything new. McMaster declares: "A very little study of long-forgotten politics will suffice to show that in filibustering and gerrymandering, in stealing governorships and legislatures, in using force at the polls, in colonizing and in distributing patronage to whom patronage is due, in all the frauds and tricks that go to make up the worst form of practical politics, the men who founded our state and national governments were always our equals, and often our masters." And this at a time when only propertied persons could vote in any of the States and when only professed Christians could either vote or hold office in two of them!

While Washington was President, Tammany Hall, the first municipal machine, began its career; and presently George Clinton, Governor of New York, and his nephew, DeWitt Clinton, were busy

organizing the first state machine. The Clintons achieved their purpose through the agency of a Council of Appointment, prescribed by the first Constitution of the State, consisting of the Governor and four senators chosen by the legislature. This council had the appointment of nearly all the civil officers of the State from Secretary of State to justices of the peace and auctioneers, making a total of 8287 military and 6663 civil offices. As the emoluments of some of these offices were relatively high, the disposal of such patronage was a plum-tree for the politician. The Clintons had been Anti-Federalists and had opposed the adoption of the Constitution. In 1801 DeWitt Clinton became a member of the Council of Appointment and soon dictated its action. The head of every Federalist office-holder fell. Sheriffs, county clerks, surrogates, recorders, justices by the dozen, auctioneers by the score, were proscribed for the benefit of the Clintons. De Witt was sent to the United States Senate in 1802, and at the age of thirty-three he found himself on the highroad to political eminence. But he resigned almost at once to become Mayor of New York City, a position he occupied for about ten years, years filled with the most venomous fights

between Burrites and Bucktails. Clinton organized a compact machine in the city. A biased contemporary description of this machine has come down to us. "You [Clinton] are encircled by a mercenary band, who, while they offer adulation to your system of error, are ready at the first favorable moment to forsake and desert you. A portion of them are needy young men, who without maturely investigating the consequence, have sacrificed principle to self-aggrandizement. Others are mere parasites, that well know the tenure on which they hold their offices, and will ever pay implicit obedience to those who administer to their wants. Many of your followers are among the most profligate of the community. They are the bane of social and domestic happiness, senile and dependent panderers."

In 1812 Clinton became a candidate for President and polled 89 electoral votes against Madison's 128. Subsequently he became Governor of New York on the Erie Canal issue; but his political cunning seems to have forsaken him; and his perennial quarrels with every other faction in his State made him the object of a constant fire of vituperation. He had, however, taught all his enemies the value of spoils, and he adhered to the end to

the political action he early advised a friend to adopt: "In a political warfare, the defensive side will eventually lose. The meekness of Quakerism will do in religion but not in politics. I repeat it, everything will answer to energy and decision."

Martin Van Buren was an early disciple of Clinton. Though he broke with his political chief in 1813, he had remained long enough in the Clinton school to learn every trick; and he possessed such native talent for intrigue, so smooth a manner, and such a wonderful memory for names, that he soon found himself at the head of a much more perfect and far-reaching machine than Clinton had ever dreamed of. The Empire State has never produced the equal of Van Buren as a manipulator of legislatures. No modern politician would wish to face publicity if he resorted to the petty tricks that Van Buren used in legislative politics. And when, in 1821, he was elected to the Senate of the United States, he became one of the organizers of the first national machine.

The state machine of Van Buren was long known as the "Albany Regency." It included several very able politicians: William L. Marcy, who became United States Senator in 1831; Silas Wright, elected Senator in 1833; John A. Dix, who

became Senator in 1845; Benjamin F. Butler, who was United States Attorney-General under President Van Buren, besides a score or more of prominent state officials. It had an influential organ in the *Albany Argus*, lieutenants in every county, and captains in every town. Its confidential agents kept the leaders constantly informed of the political situation in every locality; and its discipline made the wish of Van Buren and his colleagues a command. Federal and local patronage and a sagacious distribution of state contracts sustained this combination. When the practice of nominating by conventions began, the Regency at once discerned the strategic value of controlling delegates, and, until the break in the Democratic party in 1848, it literally reigned in the State.

With the disintegration of the Federalist party came the loss of concentrated power by the colonial families of New England and New York. The old aristocracy of the South was more fortunate in the maintenance of its power. Jefferson's party was not only well disciplined; it gave its confidence to a people still accustomed to class rule and in turn was supported by them. In a strict sense the Virginia Dynasty was not a machine like

Van Buren's Albany Regency. It was the effect of the concentrated influence of men of great ability rather than a definite organization. The congressional caucus was the instrument through which their influence was made practical. In 1816, however, a considerable movement was started to end the Virginia monopoly. It spread to the Jeffersonians of the North. William H. Crawford, of Georgia, and Daniel Tompkins, of New York, came forward as competitors with Monroe for the caucus nomination. The knowledge of this intrigue fostered the rising revolt against the caucus. Twenty-two Republicans, many of whom were known to be opposed to the caucus system, absented themselves. Monroe was nominated by the narrow margin of eleven votes over Crawford. By the time Monroe had served his second term the discrediting of the caucus was made complete by the nomination of Crawford by a thinly attended gathering of his adherents, who presumed to act for the party. The Virginia Dynasty had no further favorites to foster, and a new political force swept into power behind the dominating personality of Andrew Jackson.

The new Democracy, however, did not remove

the aristocratic power of the slaveholder; and from Jackson's day to Buchanan's this became an increasing force in the party councils. The slavery question illustrates how a compact group of capable and determined men, dominated by an economic motive, can exercise for years in the political arena a preponderating influence, even though they represent an actual minority of the nation. This untoward condition was made possible by the political sagacity and persistence of the party managers and by the unwillingness of a large portion of the people to bring the real issue to a head.

Before the Civil War, then, party organization had become a fixed and necessary incident in American politics. The war changed the face of our national affairs. The changes wrought multiplied the opportunities of the professional politician, and in these opportunities, as well as in the transfused energies and ideals of the people, we must seek the causes for those perversions of party and party machinery which have characterized our modern epoch.

CHAPTER III

THE TIDE OF MATERIALISM

THE Civil War, which shocked the country into a new national consciousness and rearranged the elements of its economic life, also brought about a new era in political activity and management. The United States after Appomattox was a very different country from the United States before Sumter was fired upon. The war was a continental upheaval, like the Appalachian uplift in our geological history, producing sharp and profound readjustments.

Despite the fact that in 1864 Lincoln had been elected on a Union ticket supported by War Democrats, the Republicans claimed the triumphs of the war as their own. They emerged from the struggle with the enormous prestige of a party triumphant and with "Saviors of the Union" inscribed on their banners.

The death of their wise and great leader opened

the door to a violent partizan orgy. President Andrew Johnson could not check the fury of the radical reconstructionists; and a new political era began in a riot of dogmatic and insolent dictatorship, which was intensified by the mob of carpet-baggers, scalawags, and freedmen in the South, and not abated by the lawless promptings of the Ku-Klux to regain patrician leadership in the home of secession nor by the baneful resentment of the North. The soldier was made a political asset. For a generation the "bloody shirt" was waved before the eyes of the Northern voter; and the evils, both grotesque and gruesome, of an unnatural reconstruction are not yet forgotten in the South.

A second opportunity of the politician was found in the rapid economic expansion that followed the war. The feeling of security in the North caused by the success of the Union arms buoyed an unbounded optimism which made it easy to enlist capital in new enterprises, and the protective tariff and liberal banking law stimulated industry. Exports of raw material and food products stimulated mining, grazing, and farming. European capital sought investments in American railroads, mines, and industrial under-

takings. In the decade following the war the output of pig iron doubled, that of coal multiplied by five, and that of steel by one hundred. Superior iron and copper, Pennsylvania coal and oil, Nevada and California gold and silver, all yielded their enormous values to this new call of enterprise. Inventions and manufactures of all kinds flourished. During 1850-60 manufacturing establishments had increased by fourteen per cent. During 1860-70 they increased seventy-nine per cent.

The Homestead Act of May 20, 1862, opened vast areas of public lands to a new immigration. The flow of population was westward, and the West called for communication with the East. The Union Pacific and Central Pacific railways, the pioneer transcontinental lines, fostered on generous grants of land, were the tokens of the new transportation movement. Railroads were pushing forward everywhere with unheard-of rapidity. Short lines were being merged into far-reaching systems. In the early seventies the Pennsylvania system was organized and the Vanderbilts acquired control of lines as far west as Chicago. Soon the Baltimore and Ohio system extended its empire of trade to the Mississippi. Half a dozen ambitious trans-Mississippi systems, connecting with

four new transcontinental projects, were put into operation.

Prosperity is always the opportunity of the politician. What is of greatest significance to the student of politics is that prosperity at this time was organized on a new basis. Before the war business had been conducted largely by individuals or partnerships. The unit was small; the amount of capital needed was limited. But now the unit was expanding so rapidly, the need for capital was so lavish, the empire of trade so extensive, that a new mechanism of ownership was necessary. This device, of course, was the corporation. It had, indeed, existed as a trading unit for many years. But the corporation before 1860 was comparatively small and was generally based upon charters granted by special act of the legislature.

No other event has had so practical a bearing on our politics and our economic and social life as the advent of the corporate device for owning and manipulating private business. For it links the omnipotence of the State to the limitations of private ownership; it thrusts the interests of private business into every legislature that grants charters or passes regulating acts; it diminishes, on the other hand, that stimulus to honesty and

correct dealing which a private individual discerns to be his greatest asset in trade, for it replaces individual responsibility with group responsibility and scatters ownership among so large a number of persons that sinister manipulation is possible.

But if the private corporation, through its interest in broad charter privileges and liberal corporation laws and its devotion to the tariff and to conservative financial policies, found it convenient to do business with the politician and his organization, the quasi-public corporations, especially the steam railroads and street railways, found it almost essential to their existence. They received not only their franchises but frequently large bonuses from the public treasury. The Pacific roads alone were endowed with an empire of 145,000,000 acres of public land. States, counties, and cities freely loaned their credit and gave ample charters to new railway lines which were to stimulate prosperity.

City councils, legislatures, mayors, governors, Congress, and presidents were drawn into the maelstrom of commercialism. It is not surprising that side by side with the new business organization there grew up a new political organization, and that the new business magnate was accompanied

by a new political magnate. The party machine and the party boss were the natural product of the time, which was a time of gain and greed. It was a sordid reaction, indeed, from the high principles that sought victory on the field of battle and that found their noblest embodiment in the character of Abraham Lincoln.

The dominant and domineering party chose the leading soldier of the North as its candidate for President. General Grant, elected as a popular idol because of his military genius, possessed neither the experience nor the skill to countermove the machinations of designing politicians and their business allies. On the other hand, he soon displayed an admiration for business success that placed him at once in accord with the spirit of the hour. He exalted men who could make money rather than men who could command ideas. He chose Alexander T. Stewart, the New York merchant prince, one of the three richest men of his day, for Secretary of the Treasury. The law, however, forbade the appointment to this office of any one who should "directly or indirectly be concerned or interested in carrying on the business of trade or commerce," and Stewart was disqualified. Adolph E. Borie of Philadelphia, whose

qualifications were the possession of great wealth and the friendship of the President, was named Secretary of the Navy. Another personal friend, John A. Rawlins, was named Secretary of War. A third friend, Elihu B. Washburne of Illinois, was made Secretary of State. Washburne soon resigned, and Hamilton Fish of New York was appointed in his place. Fish, together with General Jacob D. Cox of Ohio, Secretary of the Interior, and Judge E. Rockwood Hoar of Massachusetts, Attorney-General, formed a strong triumvirate of ability and character in the Cabinet. But, while Grant displayed pleasure in the companionship of these eminent men, they never possessed his complete confidence. When the machinations for place and favor began, Hoar and Cox were in the way. Hoar had offended the Senate in his recommendations for federal circuit judges (the circuit court was then newly established), and when the President named him for Justice of the Supreme Court, Hoar was rejected. Senator Cameron, one of the chief spoils politicians of the time, told Hoar frankly why: "What could you expect for a man who had snubbed seventy Senators!" A few months later (June, 1870), the President bluntly asked for Hoar's resignation,

a sacrifice to the gods of the Senate, to purchase their favor for the Santo Domingo treaty.

Cox resigned in the autumn. As Secretary of the Interior he had charge of the Patent Office, Census Bureau, and Indian Service, all of them requiring many appointments. He had attempted to introduce a sort of civil service examination for applicants and had vehemently protested against political assessments levied on clerks in his department. He especially offended Senators Cameron and Chandler, party chieftains who had the ear of the President. General Cox stated the matter plainly: "My views of the necessity of reform in the civil service had brought me more or less into collision with the plans of our active political managers and my sense of duty has obliged me to oppose some of their methods of action."

These instances reveal how the party chieftains insisted inexorably upon their demands. To them the public service was principally a means to satisfy party ends, and the chief duty of the President and his Cabinet was to satisfy the claims of party necessity. General Cox said that distributing offices occupied "the larger part of the time of the President and all his Cabinet." General Gar-



field wrote (1877): "One-third of the working hours of Senators and Representatives is hardly sufficient to meet the demands made upon them in reference to appointments to office."

By the side of the partizan motives stalked the desire for gain. There were those to whom parties meant but the opportunity for sudden wealth. The President's admiration for commercial success and his inability to read the motives of sycophants multiplied their opportunities, and in the eight years of his administration there was consummated the baneful union of business and politics.

During the second Grant campaign (1872), when Horace Greeley was making his astounding run for President, the *New York Sun* hinted at gross and wholesale briberies of Congressmen by Oakes Ames and his associates who had built the Union Pacific Railroad, an enterprise which the United States had generously aided with loans and gifts.

Three committees of Congress, two in the House and one in the Senate (the Poland Committee, the Wilson Committee, and the Senate Committee), subsequently investigated the charges. Their investigations disclosed the fact that Ames, then a member of the House of Representatives, the

principal stockholder in the Union Pacific, and the soul of the enterprise, had organized, under an existing Pennsylvania charter, a construction company called the *Crédit Mobilier*, whose shares were issued to Ames and his associates. To the *Crédit Mobilier* were issued the bonds and stock of the Union Pacific, which had been paid for "at not more than thirty cents on the dollar in road-making."¹ As the United States, in addition to princely gifts of land, had in effect guaranteed the cost of construction by authorizing the issue of Government bonds, dollar for dollar and side by side with the bonds of the road, the motive of the magnificent shuffle, which gave the road into the hands of a construction company, was clear. Now it was alleged that stock of the *Crédit Mobilier*, paying dividends of three hundred and forty per cent, had been distributed by Ames among many of his fellow-Congressmen, in order to forestall a threatened investigation. It was disclosed that some of the members had refused point blank to have anything to do with the stock; others had refused after deliberation; others had purchased some of it outright; others, alas! had "purchased" it, to be paid for out of its own dividends.

¹ Testimony before the Wilson Committee.

The majority of the members involved in the nasty affair were absolved by the Poland Committee from "any corrupt motive or purpose." But Oakes Ames of Massachusetts and James Brooks of New York were recommended for expulsion from the House and Patterson of New Hampshire from the Senate. The House, however, was content with censuring Ames and Brooks, and the Senate permitted Patterson's term to expire, since only five days of it remained. Whatever may have been the opinion of Congress, and whatever a careful reading of the testimony discloses to an impartial mind at this remote day, upon the voters of that time the revelations came as a shock. Some of the most trusted Congressmen were drawn into the miasma of suspicion, among them Garfield; Dawes; Scofield; Wilson, the newly elected Vice-President; Colfax, the outgoing Vice-President. Colfax had been a popular idol, with the Presidency in his vision; now bowed and disgraced, he left the national capital never to return with a public commission.

In 1874 came the disclosures of the Whiskey Ring. They involved United States Internal Revenue officers and distillers in the revenue

district of St. Louis and a number of officials at Washington. Benjamin H. Bristow, on becoming Secretary of the Treasury in June of that year, immediately scented corruption. He discovered that during 1871-74 only about one-third of the whiskey shipped from St. Louis had paid the tax and that the Government had been defrauded of nearly \$3,000,000. "If a distiller was honest," says James Ford Rhodes, the eminent historian, "he was entrapped into some technical violation of the law by the officials, who by virtue of their authority seized his distillery, giving him the choice of bankruptcy or a partnership in their operations; and generally he succumbed."

McDonald, the supervisor of the St. Louis revenue district, was the leader of the Whiskey Ring. He lavished gifts upon President Grant, who, with an amazing indifference and innocence, accepted such favors from all kinds of sources. Orville E. Babcock, the President's private secretary, who possessed the complete confidence of the guileless general, was soon enmeshed in the net of investigation. Grant at first declared, "If Babcock is guilty, there is no man who wants him so much proven guilty as I do, for it is the greatest piece of traitorism to me that a man

could possibly practice." When Babcock was indicted, however, for complicity to defraud the Government, the President did not hesitate to say on oath that he had never seen anything in Babcock's behavior which indicated that he was in any way interested in the Whiskey Ring and that he had always had "great confidence in his integrity and efficiency." In other ways the President displayed his eagerness to defend his private secretary. The jury acquitted Babcock, but the public did not. He was compelled to resign under pressure of public condemnation, and was afterwards indicted for conspiracy to rob a safe of documents of an incriminating character. But Grant seems never to have lost faith in him. Three of the men sent to prison for their complicity in the whiskey fraud were pardoned after six months. McDonald, the chieftain of the gang, served but one year of his term.

The exposure of the Whiskey Ring was followed by an even more startling humiliation. The House Committee on Expenditures in the War Department recommended that General William W. Belknap, Secretary of War, be impeached for "high crimes and misdemeanors while in office,"

and the House unanimously adopted the recommendation. The evidence upon which the committee based its drastic recommendation disclosed the most sordid division of spoils between the Secretary and his wife and two rascals who held in succession the valuable post of trader at Fort Sill in the Indian Territory.

The committee's report was read about three o'clock in the afternoon of March 2, 1876. In the forenoon of the same day Belknap had sent his resignation to the President, who had accepted it immediately. The President and Belknap were personal friends. But the certainty of Belknap's perfidy was not removed by the attitude of the President, nor by the vote of the Senate on the article of impeachment—37 guilty, 25 not guilty—for the evidence was too convincing. The public knew by this time Grant's childlike failing in sticking to his friends; and 23 of the 25 Senators who voted not guilty had publicly declared they did so, not because they believed him innocent, but because they believed they had no jurisdiction over an official who had resigned.

There were many ~~minor~~ indications of the harvest which gross materialism was reaping in

the political field. State and city governments were surrendered to political brigands. In 1871 the Governor of Nebraska was removed for embezzlement. Kansas was startled by revelations of brazen bribery in her senatorial elections (1872-1873). General Schenck, representing the United States at the Court of St. James, humiliated his country by dabbling in a fraudulent mining scheme.

In a speech before the Senate, then trying General Belknap, Senator George F. Hoar, on May 6, 1876, summed up the greater abominations:

My own public life has been a very brief and insignificant one, extending little beyond the duration of a single term of senatorial office. But in that brief period I have seen five judges of a high court of the United States driven from office by threats of impeachment for corruption or maladministration. I have heard the taunt from friendliest lips, that when the United States presented herself in the East to take part with the civilized world in generous competition in the arts of life, the only products of her institutions in which she surpassed all others beyond question was her corruption. I have seen in the State in the Union foremost in power and wealth four judges of her courts impeached for corruption, and the political administration of her chief city become a disgrace and a byword throughout the world. I have seen the chairman of

the Committee on Military Affairs in the House rise in his place and demand the expulsion of four of his associates for making sale of their official privilege of selecting the youths to be educated at our great military schools. When the greatest railroad of the world, binding together the continent and uniting the two great seas which wash our shores, was finished, I have seen our national triumph and exaltation turned to bitterness and shame by the unanimous reports of three committees of Congress — two in the House and one here — that every step of that mighty enterprise had been taken in fraud. I have heard in highest places the shameless doctrine avowed by men grown old in public office that the true way by which power should be gained in the Republic is to bribe the people with the offices created for their service, and the true end for which it should be used when gained is the promotion of selfish ambition and the gratification of personal revenge. I have heard that suspicions haunt the footsteps of the trusted companions of the President.

These startling facts did not shatter the prestige of the Republicans, the "Saviors of the Union," nor humble their leaders. One of them, Senator Foraker, says¹: "The campaign (1876) on the part of the Democrats gave emphasis to the reform idea and exploited Tilden as the great reform governor of New York and the best fitted man in the country to bring about reforms in the Government

¹ *Notes from a Busy Life*, vol. I., 98.

of the United States. No reforms were needed: but a fact like that never interfered with a reform campaign." The orthodoxy of the politician remained unshaken. Foraker's reasons were the creed of thousands: "The Republican party had prosecuted the war successfully; had reconstructed the States; had rehabilitated our finances, and brought on specie redemption." The memoirs of politicians and statesmen of this period, such as Cullom, Foraker, Platt, even Hoar, are imbued with an inflexible faith in the party and colored by the conviction that it is a function of Government to aid business. Platt, for instance, alluding to Blaine's attitude as Speaker, in the seventies, said: "What I liked about him was his frank and persistent contention that the citizen who best loved his party and was loyal to it, was loyal to and best loved his country." And many years afterwards, when a new type of leader appeared representing a new era of conviction, Platt was deeply concerned. His famous letter to Roosevelt, when the Rough Rider was being mentioned for Governor of New York (1899), shows the reluctance of the old man to see the signs of the times: "The thing that really did bother me was this: I had heard from a great many sources that

you were a little loose on the relations of capital and labor, on trusts and combinations, and indeed on the numerous questions which have recently arisen in politics affecting the security of earnings and the right of a man to run his own business in his own way, with due respect of course to the Ten Commandments and the Penal Code."

The leaders of both the great parties firmly and honestly believed that it was the duty of the Government to aid private enterprise, and that by stimulating business everybody is helped. This article of faith, with the doctrine of the sanctity of the party, was a natural product of the conditions outlined in the beginning of this chapter — the war and the remarkable economic expansion following the war. It was the cause of the alliance between business and politics. It made the machine and the boss the sinister and ever present shadows of legitimate organization and leadership.



CHAPTER IV

THE POLITICIAN AND THE CITY

THE gigantic national machine that was erected during Grant's administration would have been ineffectual without local sources of power. These sources of power were found in the cities, now thriving on the new-born commerce and industry, increasing marvelously in numbers and in size, and offering to the political manipulator opportunities that have rarely been paralleled.¹

The governmental framework of the American city is based on the English system as exemplified

¹ Between 1860 and 1890 the number of cities of 8000 or more inhabitants increased from 141 to 448, standing at 226 in 1870. In 1865 less than 20% of our people lived in the cities; in 1890, over 30%; in 1900, 40%; in 1910, 46.3%. By 1890 there were six cities with more than half a million inhabitants; fifteen with more than 200,000, and twenty-eight with more than 100,000. In 1910 there were twenty-eight cities with a population over 200,000, fifty cities over 100,000, and ninety-eight over 50,000. It was no uncommon occurrence for a city to double its population in a decade. In ten years Birmingham gained 245%, Los Angeles, 211%, Seattle, 194%, Spokane, 183%, Dallas, 116%, Schenectady, 129%.

in the towns of Colonial America. Their charters were received from the Crown and their business was conducted by a mayor and a council composed of aldermen and councilmen. The mayor was usually appointed; the council elected by a property-holding electorate. In New England the glorified town meeting was an important agency of local government.

After the Revolution, mayors as well as councilmen were elected, and the charters of the towns were granted by the legislature, not by the executive, of the State. In colonial days charters had been granted by the King. They had fixed for the city certain immunities and well-defined spheres of autonomy. But when the legislatures were given the power to grant charters, they reduced the charter to the level of a statutory enactment, which could be amended or repealed by any successive legislature, thereby opening up a convenient field for political maneuvering. The courts have, moreover, construed these charters strictly, holding the cities closely bound to those powers which the legislatures conferred upon them.

The task of governing the early American town was simple enough. In 1790 New York, Phila-

delphia, Boston, Baltimore, and Charleston were the only towns in the United States of over 8000 inhabitants; all together they numbered scarcely 130,000. Their populations were homogeneous; their wants were few; and they were still in that happy childhood when every voter knew nearly every other voter and when everybody knew his neighbor's business as well as his own, and perhaps better.

Gradually the towns awoke to their newer needs and demanded public service — lighting, street cleaning, fire protection, public education. All these matters, however, could be easily looked after by the mayor and the council committees. But when these towns began to spread rapidly into cities, they quickly outgrew their colonial garments. Yet the legislatures were loath to cast the old garments aside. One may say that from 1840 to 1901, when the Galveston plan of commission government was inaugurated, American municipal government was nothing but a series of contests between a small body of alert citizens attempting to fix responsibility on public officers and a few adroit politicians attempting to elude responsibility; both sides appealing to an electorate which was habitually somnolent but

subject to intermittent awakenings through spasms of righteousness.

During this epoch no important city remained immune from ruthless legislative interference. Year after year the legislature shifted officers and responsibilities at the behest of the boss. "Ripper bills" were passed, tearing up the entire administrative systems of important municipalities. The city was made the plaything of the boss and the machine.

Throughout the constant shifts that our city governments have undergone one may, however, discern three general plans of government.

The first was the centering of power in the city council, whether composed of two chambers—a board of aldermen and a common council—as in New York, Philadelphia, and Chicago, or of one council, as in many lesser cities. It soon became apparent that a large body, whose chief function is legislation, is utterly unfit to look after administrative details. Such a body, in order to do business, must act through committees. Responsibility is scattered. Favoritism is possible in letting contracts, in making appointments, in depositing city funds, in making public improvements, in purchasing supplies and real estate, and

in a thousand other ways. So, by controlling the appointment of committees, a shrewd manipulator could virtually control all the municipal activities and make himself overlord of the city.

The second plan of government attempted to make the mayor the controlling force. It reduced the council to a legislative body and exalted the mayor into a real executive with power to appoint and to remove heads of departments, thereby making him responsible for the city administration. Brooklyn under Mayor Seth Low was an encouraging example of this type of government. But the type was rarely found in a pure form. The politician succeeded either in electing a subservient mayor or in curtailing the mayor's authority by having the heads of departments elected or appointed by the council or made subject to the approval of the council. If the council held the key to the city treasury, the boss reigned, for councilmen from properly gerrymandered wards could usually be trusted to execute his will.

The third form of government was government by boards. Here it was attempted to place the administration of various municipal activities in the hands of independent boards. Thus a board had charge of the police, another of the fire de-

partment, another of public works, and so on. Often there were a dozen of these boards and not infrequently over thirty in a single city, as in Philadelphia. Sometimes these boards were elected by the people; sometimes they were appointed by the council; sometimes they were appointed by the mayor; in one or two instances they were appointed by the Governor. Often their powers were shared with committees of the council; a committee on police, for instance, shared with the Board of Police Commissioners the direction of police affairs. Usually these boards were responsible to no one but the electorate (and that remotely) and were entirely without coördination, a mere agglomeration of independent creations generally with ill-defined powers.

Sometimes the laws provided that not all the members of the appointive boards should "belong to the same political party" or "be of the same political opinion in state and national issues." It was clearly the intention to wipe out the partisan complexion of such boards. But this device was no stumbling-block to the boss. Whatever might be the "opinions" on national matters of the men appointed, they usually had a perfect understanding with the appointing authorities as

to local matters. As late as 1898, a Democratic mayor of New York (Van Wyck) summarily removed the two Republican members of the Board of Police Commissioners and replaced them by Republicans after his own heart. In truth, the bipartizan board fitted snugly into the dual party régime that existed in many cities, whereby the county offices were apportioned to one party, the city offices to the other, and the spoils to both. It is doubtful if any device was ever more deceiving and less satisfactory than the bipartizan board.

The reader must not be led to think that any one of these plans of municipal government prevailed at any one time. They all still exist, contemporaneously with the newer commission plan and the city manager plan.

Hand in hand with these experiments in governmental mechanisms for the growing cities went a rapidly increasing expenditure of public funds. Streets had to be laid out, paved, and lighted; sewers extended; fire-fighting facilities increased; schools built; parks, boulevards, and playgrounds acquired, and scores of new activities undertaken by the municipality. All these brought grist to the politician's mill. So did his control of the

police force and the police courts. And finally, with the city reaching its eager streets far out into the country, came the necessity for rapid transportation, which opened up for the municipal politician a new El Dorado.

Under our laws the right of a public service corporation to occupy the public streets is based upon a franchise from the city. Before the days of the referendum the franchise was granted by the city council, usually as a monopoly, sometimes in perpetuity; and, until comparatively recent years, the corporation paid nothing to the city for the rights it acquired.

When we reflect that within a few decades of the discovery of electric power, every city, large and small, had its street-car and electric-light service, and that most of these cities, through their councils, gave away these monopoly rights for long periods of time, we can imagine the princely aggregate of the gifts which public service corporations have received at the hands of our municipal governments, and the nature of the temptations these corporations were able to spread before the greedy gaze of those whose gesture would seal the grant.

But it was not only at the granting of the

franchise that the boss and his machine sought for spoils. A public service corporation, being constantly asked for favors, is a continuing opportunity for the political manipulator. Public service corporations could share their patronage with the politician in exchange for favors. Through their control of many jobs, and through their influence with banks, they could show a wide assortment of favors to the politician in return for his influence; for instance, in the matter of traffic regulations, permission to tear up the streets, inspection laws, rate schedules, tax assessments, coroners' reports, or juries.

When the politician went to the voters, he adroitly concealed his designs under the name of one of the national parties. Voters were asked to vote for a Republican or a Democrat, not for a policy of municipal administration or other local policies. The system of committees, caucuses, conventions, built up in every city, was linked to the national organization. A citizen of New York, for instance, was not asked to vote for the Broadway Franchise, which raised such a scandal in the eighties, but to vote for aldermen running on a national tariff ticket!

The electorate was somnolent and permitted

the politician to have his way. The multitudes of the city came principally from two sources, from Europe and from the rural districts of our own country. Those who came to the city from the country were prompted by industrial motives; they sought wider opportunities; they soon became immersed in their tasks and paid little attention to public questions. The foreign immigrants who congested our cities were alien to American institutions. They formed a heterogeneous population to whom a common ideal of government was unknown and democracy a word without meaning. These foreigners were easily influenced and easily led. Under the old naturalization laws, they were herded into the courts just before election and admitted to citizenship. In New York they were naturalized under the guidance of ward-heelers, not infrequently at the rate of one a minute! And, before the days of registration laws, ballots were distributed to them and they were led to the polls, as charity children are given excursion tickets and are led to their annual summer's day picnic.

The slipshod methods of naturalization have been revealed since the new law (1906) has been in force. Tens of thousands of voters who thought

they were citizens found that their papers were only declarations of intentions, or "first papers." Other tens of thousands had lost even these papers and could not designate the courts that had issued them; and other thousands found that the courts that had naturalized them were without jurisdiction in the matter.

It was not merely among these newcomers that the boss found his opportunities for carrying elections. The dense city blocks were convenient lodging places for "floaters." Just before elections, the population of the downtown wards in the larger cities increased surprisingly. The boss fully availed himself of the psychological and social reactions of the city upon the individual, knowing instinctively how much more easily men are corrupted when they are merged in the crowd and have lost their sense of personal responsibility.

It was in the city, then, that industrial politics found their natural habitat. We shall now scrutinize more closely some of the developments which arose out of such an environment.

CHAPTER V

TAMMANY HALL

BEFORE the Revolutionary War numerous societies were organized to aid the cause of Independence. These were sometimes called "Sons of Liberty" and not infrequently "Sons of St. Tammany," after an Indian brave whom tradition had shrouded in virtue. The name was probably adopted to burlesque the royalist societies named after St. George, St. David, or St. Andrew. After the war these societies vanished. But, in New York City, William Mooney, an upholsterer, reorganized the local society as "Tammany Society or Columbian Order," devoted ostensibly to good-fellowship and charity. Its officers bore Indian titles and its ceremonies were more or less borrowed from the red man, not merely because of their unique and picturesque character, but to emphasize the truly American and anti-British convictions of its members.

The society attracted that element of the town's population which delighted in the crude ceremonies and the stimulating potions that always accompanied them, mostly small shopkeepers and mechanics. It was among this class that the spirit of discontent against the power of Federalism was strongest — a spirit that has often become decisive in our political fortunes.

This was still the day of the "gentleman," of small clothes, silver shoe-buckles, powdered wigs, and lace ruffles. Only taxpayers and propertied persons could vote, and public office was still invested with certain prerogatives and privileges. Democracy was little more than a name. There was, however, a distinct division of sentiment, and the drift towards democracy was accelerated by immigration. The newcomers were largely of the humble classes, among whom the doctrines of democratic discontent were welcome.

Tammany soon became partizan. The Federalist members withdrew, probably influenced by Washington's warning against secret political societies. By 1798 it was a Republican club meeting in various taverns, finally selecting Martling's "Long Room" for its nightly carousals. Soon after this a new constitution was adopted

which adroitly transformed the society into a compact political machine, every member subscribing to the oath that he would resist the encroachments of centralized power over the State.

Tradition has it that the transformer of Tammany into the first compact and effective political machine was Aaron Burr. There is no direct evidence that he wrote the new constitution. But there is collateral evidence. Indeed, it would not have been Burrian had he left any written evidence of his connection with the organization. For Burr was one of those intriguers who revel in mystery, who always hide their designs, and never bind themselves in writing without leaving a dozen loopholes for escape. He was by this time a prominent figure in American politics. His skill had been displayed in Albany, both in the passing of legislation and in out-maneuvering Hamilton and having himself elected United States Senator against the powerful combination of the Livingstons and the Schuylers. He was plotting for the Presidency as the campaign of 1800 approached, and Tammany was to be the fulcrum to lift him to this conspicuous place.

Under the ostensible leadership of Matthew L.

Davis, Burr's chief lieutenant, every ward of the city was carefully organized, a polling list was made, scores of new members were pledged to Tammany, and during the three days of voting (in New York State until 1840 elections lasted three days), while Hamilton was making eloquent speeches for the Federalists, Burr was secretly manipulating the wires of his machine. Burr and Tammany won in New York City, though Burr failed to win the Presidency. The political career of this remarkable organization, which has survived over one hundred and twenty years of stormy history, was now well launched.

From that time to the present the history of Tammany Hall is a tale of victories, followed by occasional disclosures of corruption and favoritism; of quarrels with governors and presidents; of party fights between "up-state" and "city"; of skulking when its sachems were unwelcome in the White House; of periodical displays of patriotism, for cloaking its grosser crimes; of perennial charities for fastening itself more firmly on the poorer populace which has always been the source of its power; of colossal municipal enterprise for profit-sharing; and of a continuous political efficiency due to sagacious leadership, a remarkable adapta-

bility to the necessities of the hour, and a patience that outlasts every "reform."

It early displayed all the traits that have made it successful. In 1801, for the purpose of carrying city elections, it provided thirty-nine men with money to purchase houses and lots in one ward, and seventy men with money for the same purpose in another ward, thus manufacturing freeholders for polling purposes. In 1806 Benjamin Romaine, a grand sachem, was removed from the office of city controller by his own party for acquiring land from the city without paying for it. In 1807 several superintendents of city institutions were dismissed for frauds. The inspector of bread, a sachem, resigned because his threat to extort one-third of the fees from his subordinates had become public. Several assessment collectors, all prominent in Tammany, were compelled to reimburse the city for deficits in their accounts. One of the leading aldermen used his influence to induce the city to sell land to his brother-in-law at a low price, and then bade the city buy it back for many times its value. Mooney, the founder of the society, now superintendent of the almshouse, was caught in a characteristic fraud. His salary was \$1000 a year, with

\$500 for family expenses. But it was discovered that his "expenses" amounted to \$4000 a year, and that he had credited to himself on the books \$1000 worth of supplies and numerous sums for "trifles for Mrs. Mooney."

In September, 1826, the Grand Jury entered an indictment against Matthew L. Davis and a number of other Tammany men for defrauding several banks and insurance companies of over \$2,000,000. This created a tremendous sensation. Political influence was at once set in motion, and only the minor defendants were sent to the penitentiary.

In 1829 Samuel Swartwout, one of the Tammany leaders, was appointed Collector of the Port of New York. His downfall came in 1838, and he fled to Europe. His defalcations in the Custom House were found to be over \$1,222,700; and "to Swartwout" became a useful phrase until Tweed's day. He was succeeded by Jesse Hoyt, another sachem and notorious politician, against whom several judgments for default were recorded in the Superior Court, which were satisfied very soon after his appointment. At this time another Tammany chieftain, W. M. Price, United States District Attorney for Southern New York, defaulted for \$75,000.

It was in 1851 that the council commonly known as "The Forty Thieves" was elected. In it William M. Tweed served his apprenticeship. Some of the maneuvers of this council and of other officials were divulged by a Grand Jury in its presentment of February 23, 1853. The presentment states: "It was clearly shown that enormous sums of money were spent for the procurement of railroad grants in the city, and that towards the decision and procurement of the Eighth Avenue railway grant, a sum so large that would startle the most credulous was expended; but in consequence of the voluntary absence of important witnesses, the Grand Jury was left without direct testimony of the particular recipients of the different amounts."

These and other exposures brought on a number of amendments to the city charter, surrounding with greater safeguards the sale or lease of city property and the letting of contracts; and a reform council was elected. Immediately upon the heels of this reform movement followed the shameful régime of Fernando Wood, an able, crafty, unscrupulous politician, who began by announcing himself a reformer, but who soon became a boss in the most offensive sense of that

term — not, however, in Tammany Hall, for he was ousted from that organization after his reelection as mayor in 1856. He immediately organized a machine of his own, Mozart Hall. The intense struggle between the two machines cost the city a great sum, for the taxpayers were mulcted to pay the bills.

Through the anxious days of the Civil War, when the minds of thoughtful citizens were occupied with national issues, the tide of reform ebbed and flowed. A reform candidate was elected mayor in 1863, but Tammany returned to power two years later by securing the election and then the reelection of John T. Hoffman. Hoffman possessed considerable ability and an attractive personality. His zeal for high office, however, made him easily amenable to the manipulators. Tammany made him Governor and planned to name him for President. Behind his popularity, which was considerable, and screened by the greater excitements of the war, reconstruction, and the impeachment of Andrew Johnson, lurked the Ring, whose exposures and confessions were soon to amaze everyone.

The chief ringster was William M. Tweed, and his name will always be associated in the public

mind with political bossdom. This is his immortality. He was a chairmaker by trade, a vulgar good fellow by nature, a politician by circumstances, a boss by evolution, and a grafter by choice. He became grand sachem of Tammany and chairman of the general committee. This committee he ruled with blunt directness. When he wanted a question carried, he failed to ask for the negative votes; and soon he was called "the Boss," a title he never resented, and which usage has since fixed in our politics. So he ruled Tammany with a high hand; made nominations arbitrarily; bullied, bought, and traded; became President of the Board of Supervisors, thus holding the key to the city's financial policies; and was elected State Senator, thereby directing the granting of legislative favors to his city and to his corporations.

In 1868 Tammany carried Hoffman into the Governor's chair, and in the following year the Democrats carried the State legislature. Tweed now had a new charter passed which virtually put New York City into his pocket by placing the finances of the metropolis entirely in the hands of a Board of Apportionment which he dominated. Of this Board, the mayor of the city was

the chairman, with the power to appoint the other members. He promptly named Tweed, Connolly, and P. B. Sweeny. This was the famous Ring. The mayor was A. Oakey Hall, dubbed "Elegant Oakey" by his pals because of his fondness for clubs, society, puns, and poems; but Nast called him "O. K. Haul." Sweeny, commonly known as "Pete," was a lawyer of ability, and was generally believed to be the plotter of the quartet. Nast transformed his middle initial B. into "Brains." Connolly was just a coarse gangster.

There was some reason for the Ring's faith in its invulnerability. It controlled Governor and legislature, was formidable in the national councils of the Democratic party, and its Governor was widely mentioned for the presidential nomination. It possessed complete power over the city council, the mayor, and many of the judges. It was in partnership with Gould and Fiske of the Erie, then reaping great harvests in Wall Street, and with street railway and other public service corporations. Through untold largess it silenced rivalry from within and criticism from without. And, when suspicion first raised its voice, it adroitly invited a committee of prominent and wealthy citizens, headed by John Jacob Astor, to examine

the controller's accounts. After six hours spent in the City Hall these respectable gentlemen signed an acquitment, saying that "the affairs of the city under the charge of the controller are administered in a correct and faithful manner."

Thus intrenched, the Ring levied tribute on every municipal activity. Everyone who had a charge against the city, either for work done or materials furnished, was told to add to the amount of his bill, at first 10%, later 66%, and finally 85%. One man testified that he was told to raise to \$55,000 his claim of \$5000. He got his \$5000; the Ring got \$50,000. The building of the Court House, still known as "Tweed's Court House," was estimated to cost \$3,000,000, but it cost many times that sum. The item "repairing fixtures" amounted to \$1,149,874.50, before the building was completed. Forty chairs and three tables cost \$179,729.60; thermometers cost \$7500. G. S. Miller, a carpenter, received \$360,747.61, and a plasterer named Gray, \$2,870,464.06 for nine months' "work." The *Times* dubbed him the "Prince of Plasterers." "A plasterer who can earn \$138,187 in two days [December 20 and 21] and that in the depths of winter, need not be poor." Carpets cost \$350,000, most of the Brussels and

Axminster going to the New Metropolitan Hotel just opened by Tweed's son.

The Ring's hold upon the legislature was through bribery, not through partizan adhesion. Tweed himself confessed that he gave one man in Albany \$600,000 for buying votes to pass his charter; and Samuel J. Tilden estimated the total cost for this purpose at over one million dollars. Tweed said he bought five Republican senators for \$40,000 apiece. The vote on the charter was 30 to 2 in the Senate, 116 to 5 in the Assembly. Similar sums were spent in Albany in securing corporate favors. The Viaduct Railway Bill is an example. This bill empowered a company, practically owned by the Ring, to build a railway on or above any street in the city. It provided that the city should subscribe for \$5,000,000 of the stock; and it exempted the company from taxation. Collateral bills were introduced enabling the company to widen and grade any streets, the favorite "job" of a Tammany grafter. Fortunately for the city, exposure came before this monstrous scheme could be put in motion.

Newspapers in the city were heavily subsidized. Newspapers in Albany were paid munificently for printing. One of the Albany papers received

\$207,900 for one year's work which was worth less than \$10,000. Half a dozen reporters of the leading dailies were put on the city payroll at from \$2000 to \$2500 a year for "services."

The Himalayan size of these swindles and their monumental effrontery led the New York *Sun* humorously to suggest the erection of a statue to the principal Robber Baron, "in commemoration of his services to the commonwealth." A letter was sent out asking for funds. There were a great many men in New York, the *Sun* thought, who would not be unwilling to refuse a contribution. But Tweed declined the honor. In its issue of March 14, 1871, the *Sun* has this headline:

A GREAT MAN'S MODESTY

THE HON. WILLIAM M. TWEED DECLINES THE SUN'S STATUE. CHARACTERISTIC LETTER FROM THE GREAT NEW YORK PHILANTHROPIST. HE THINKS THAT VIRTUE SHOULD BE ITS OWN REWARD. THE MOST REMARKABLE LETTER EVER WRITTEN BY THE NOBLE BENEFACTOR OF THE PEOPLE.

Another kind of memorial to his genius for absorbing the people's money was awaiting this philanthropic buccaneer.

Vulgar ostentation was the outward badge of these civic burglaries. Tweed moved into a Fifth Avenue mansion and gave his daughter a wedding at which she received \$100,000 worth of gifts; her wedding dress was a \$5000 creation. At Greenwich he built a country estate where the stables were framed of choice mahogany. Sweeny hobnobbed with Jim Fiske of the Erie, the Tweed of Wall Street, who went about town dressed in loud checks and lived with his harem in his Opera House on Eighth Avenue.

Thoughtful citizens saw these things going on and believed the city was being robbed, but they could not prove it. There were two attacking parties, however, who did not wait for proofs—Thomas Nast, the brilliant cartoonist of *Harper's Weekly*, and the *New York Times*. The incisive cartoons of Nast appealed to the imaginations of all classes; even Tweed complained that his illiterate following could “look at the damn pictures.” The trenchant editorials of Louis L. Jennings in the *Times* reached a thoughtful circle of readers. In one of these editorials, February 24, 1871, before the exposure, he said: “There is absolutely nothing—nothing in the city—which is beyond the reach of the insatiable gang who have obtained

possession of it. They can get a grand jury dismissed at any time, and, as we have seen, the legislature is completely at their disposal."

Finally proof did come and, as is usual in such cases, it came from the inside. James O'Brien, an ex-sheriff and the leader in a Democratic "reform movement" calling itself "Young Democracy," secured the appointment of one of his friends as clerk in the controller's office. Transcripts of the accounts were made, and these O'Brien brought to the *Times*, which began their publication, July 8, 1871. The Ring was in consternation. It offered George Jones, the proprietor of the *Times*, \$5,000,000 for his silence and sent a well-known banker to Nast with an invitation to go to Europe "to study art," with \$100,000 for "expenses."

"Do you think I could get \$200,000?" innocently asked Nast.

"I believe from what I have heard in the bank that you might get it."

After some reflection, the cartoonist asked: "Don't you think I could get \$500,000 to make that trip?"

"You can; you can get \$500,000 in gold to drop this Ring business and get out of the country."

"Well, I don't think I'll do it," laughed the artist. "I made up my mind not long ago to put some of those fellows behind the bars, and I am going to put them there."

"Only be careful, Mr. Nast, that you do not first put yourself in a coffin," said the banker as he left.

A public meeting in Cooper Institute, April 6, 1871, was addressed by William E. Dodge, Henry Ward Beecher, William M. Evarts, and William F. Havemeyer. They vehemently denounced Tweed and his gang. Tweed smiled and asked, "Well, what are you going to do about it?" On the 4th of September, the same year, a second mass meeting held in the same place answered the question by appointing a committee of seventy. Tweed, Sweeny, and Hall, now alarmed by the disclosures in the *Times*, decided to make Connolly the scapegoat, and asked the aldermen and supervisors to appoint a committee to examine his accounts. By the time the committee appeared for the examination — its purpose had been well announced — the vouchers for 1869 and 1870 had disappeared. Mayor Hall then asked for Connolly's resignation. But instead, Connolly consulted Samuel J. Tilden, who advised him to

appoint Andrew H. Green, a well-known and respected citizen, as his deputy. This turned the tables on the three other members of the Ring, whose efforts to oust both Connolly and Green were unavailing. In this manner the citizens got control of the treasury books, and the Grand Jury began its inquisitions. Sweeny and Connolly soon fled to Europe. Sweeny afterwards settled for \$400,000 and returned. Hall's case was presented to a grand jury which proved to be packed. A new panel was ordered but failed to return an indictment because of lack of evidence. Hall was subsequently indicted, but his trial resulted in a disagreement.

Tweed was indicted for felony. He remained at large on bail and was twice tried in 1873. The first trial resulted in a disagreement, the second in a conviction. His sentence was a fine of \$12,000 and twelve years' imprisonment. When he arrived at the penitentiary, he answered the customary questions. "What occupation?" "Statesman." "What religion?" "None." He served one year and was then released on a flimsy technicality by the Court of Appeals. Civil suits were now brought, and, unable to obtain the \$3,000,000 bail demanded, the fallen boss was sent to jail. He

escaped to Cuba, and finally to Spain, but he was again arrested, returned to New York on a man-of-war, and put into Ludlow Street jail, where he died April 12, 1878, apparently without money or friends.

The exact amount of the plunder was never ascertained. An expert accountant employed by the housecleaners estimated that for three years, 1868-71, the frauds totaled between \$45,000,000 and \$50,000,000. The estimate of the aldermen's committee was \$60,000,000. Tweed never gave any figures; he probably had never counted his gains, but merely spent them as they came. O'Rourke, one of the gang, estimated that the Ring stole about \$75,000,000 during 1865-71, and that, "counting vast issues of fraudulent bonds," the looting "probably amounted to \$200,000,000."

The story of these disclosures circled the earth and still affects the popular judgment of the American metropolis. It seemed as though Tammany were forever discredited. But, to the despair of reformers, in 1874 Tammany returned to power, electing its candidate for mayor by over 9000 majority. The new boss who maneuvered this rapid resurrection was John Kelly, a stone-mason, known among his Irish followers as "Honest

John." Besides the political probity which the occasion demanded, he possessed a capacity for knowing men and sensing public opinion. This enabled him to lift the prostrate organization. He persuaded such men as Samuel J. Tilden, the distinguished lawyer, August Belmont, a leading financier, Horatio Seymour, who had been governor, and Charles O'Connor, the famous advocate, to become sachems under him. This was evidence of reform from within. Coöperation with the Bar Association, the Taxpayers' Association, and other similar organizations evidenced a desire of reform from without. Kelly "bossed" the Hall until his death, June 1, 1886.

He was succeeded by Richard Croker, a machinist, prize-fighter, and gang-leader. Croker began his official career as a court attendant under the notorious Judge Barnard and later was an engineer in the service of the city. These places he held by Tammany favor, and he was so useful that in 1868 he was made alderman. A quarrel with Tweed lost him the place, but a reconciliation soon landed him in the lucrative office of Superintendent of Market Fees and Rents, under Connolly. In 1873 he was elected coroner and ten years later was appointed fire commissioner.

His career as boss was marked by much political cleverness and caution and by an equal degree of moral obtuseness.

The triumph of Tammany in 1892 was followed by such ill-disguised corruption that the citizens of New York were again roused from their apathy. The investigations of the Fassett Committee of the State Senate two years previously had shown how deep the tentacles of Tammany were thrust into the administrative departments of the city. The Senate now appointed another investigating committee, of which Clarence Lexow was the chairman and John W. Goff the counsel. The Police Department came under its special scrutiny. The disclosures revealed the connivance of the police in stupendous election frauds. The President of the Police Board himself had distributed at the polls the policemen who committed these frauds. It was further revealed that vice and crime under police protection had been capitalized on a great scale. It was worth money to be a policeman. One police captain testified he had paid \$15,000 for his promotions; another paid \$12,000. It cost \$300 to be appointed patrolman. Over six hundred policy-shops were open, each paying \$1500 a month for protection; pool-

rooms paid \$300 a month; bawdy-houses, from \$25 to \$50 per month per inmate. And their patrons paid whatever they could be blackmailed out of; streetwalkers, whatever they could be wheedled out of; saloons, \$20 per month; pawnbrokers, thieves, and thugs shared with the police their profits, as did corporations and others seeking not only favors but their rights. The committee in its statement to the Grand Jury (March, 1892) estimated that the annual plunder from these sources was over \$7,000,000.

During the committee's sessions Croker was in Europe on important business. But he found time to order the closing of disreputable resorts, and, though he was only a private citizen and three thousand miles away, his orders were promptly obeyed.

Aroused by these disclosures and stimulated by the lashing sermons of the Rev. Charles H. Parkhurst, the citizens of New York, in 1894, elected a reform government, with William L. Strong as Mayor. His administration set up for the metropolis a new standard of city management. Colonel George E. Waring organized, for the first time in the city's history, an efficient streetcleaning department. Theodore Roosevelt

was appointed Police Commissioner. These men and their associates gave to New York a period of thrifty municipal housekeeping.

But the city returned to its filth. After the incorporation of Greater New York and the election of Robert A. Van Wyck as its mayor, the great beast of Tammany arose and extended its eager claws over the vast area of the new city.

The Mazet Committee was appointed by the legislature in 1899 to investigate rumors of renewed corruption. But the inquiry which followed was not as penetrating nor as free from partizan bias as thoughtful citizens wished. The principal exposure was of the Ice Trust, an attempt to monopolize the city's ice supply, in which city officials were stockholders, the mayor to the extent of 5000 shares, valued at \$500,000. It was shown, too, that Tammany leaders were stockholders in corporations which received favors from the city. Governor Roosevelt, however, refused to remove Mayor Van Wyck because the evidence against him was insufficient.

The most significant testimony before the Mazet Committee was that given by Boss Croker himself. His last public office had been

that of City Chamberlain, 1889-90, at a salary of \$25,000. Two years later he purchased for \$250,000 an interest in a stock-farm and paid over \$100,000 for some noted race-horses. He spent over half a million dollars on the English race-track in three years and was reputed a millionaire, owning large blocks of city real estate. He told the committee that he virtually determined all city nominations; and that all candidates were assessed, even judicial candidates, from \$10,000 to \$25,000 for their nominations. "We try to have a pretty effective organization—that's what we are there for," he explained. "We are giving the people pure organization government," even though the organizing took "a lot of time" and was "very hard work." Tammany members stood by one another and helped each other, not only in politics but in business. "We want the whole business [city business] if we can get it." If "we win, we expect everyone to stand by us." Then he uttered what must have been to every citizen of understanding a self-evident truth, "I am working for my pockets all the time."

Soon afterwards Croker retired to his Irish castle, relinquishing the leadership to Charles Murphy, the present boss. The growing alert-

ness of the voters, however, makes Murphy's task a more difficult one than that of any of his predecessors. It is doubtful if the nature of the machine has changed during all the years of its history. Tweed and Croker were only natural products of the system. They typify the vulgar climax of organized looting.

In 1913 the Independent Democrats, Republicans, and Progressives united in a fusion movement. They nominated and, after a most spirited campaign, elected John Purroy Mitchel as mayor. He was a young man, not yet forty, had held important city offices, and President Wilson had appointed him Collector of the Port of New York. His experience, his vigor, ability, and straight-dealing commended him to the friends of good government, and they were not disappointed. The Mitchel régime set a new record for clean and efficient municipal administration. Men of high character and ability were enlisted in public service, and the Police Department, under Commissioner Woods, achieved a new usefulness. The decent citizens, not alone in the metropolis, but throughout the country, believed with Theodore Roosevelt that Mr. Mitchel was "the best mayor New York ever had." But neither the effective-

ness of his administration nor the combined efforts of the friends of good government could save him from the designs of Tammany Hall when, in 1917, he was a candidate for reëlection. Through a tactical blunder of the Fusionists, a small Republican group was permitted to control the party primaries and nominate a candidate of its own; the Socialists, greatly augmented by various pacifist groups, made heavy inroads among the foreign-born voters. And, while the whole power and finesse of Tammany were assiduously undermining the mayor's strength, ethnic, religious, partizan, and geographical prejudices combined to elect the machine candidate, Judge Hylan, a comparatively unknown Brooklyn magistrate.

How could Tammany regain its power, and that usually within two years, after such disclosures as we have seen? The main reason is the scientific efficiency of the organization. The victory of Burr in New York in 1800 was the first triumph of the first ward machine in America, and Tammany has forgotten neither this victory nor the methods by which it was achieved. The organization which was then set in motion has simply been enlarged

to keep easy pace with the city's growth. There are, in fact, two organizations, Tammany Hall, the political machine, and Tammany Society, the "Columbian Order" organized by Mooney, which is ruled by sachems elected by the members. Both organizations, however, are one in spirit. We need concern ourselves only with the organization of Tammany Hall.

The framework of Tammany Hall's machinery has always been the general committee, still known, in the phraseology of Burr's day, as "the Democratic-Republican General Committee." It is a very democratic body composed of representatives from every assembly district, apportioned according to the number of voters in the district. The present apportionment is one committee-man for every fifteen votes. This makes a committee of over 9000, an unwieldy number. It is justified, however, on two very practical grounds: first, that it is large enough to keep close to the voters; and second, that its assessment of ten dollars a member brings in \$90,000 a year to the war chest. This general committee holds stated meetings and appoints subcommittees. The executive committee, composed of the leaders of the assembly districts and the chairman

and treasurer of the county committee, is the real working body of the great committee. It attends to all important routine matters, selects candidates for office, and conducts their campaigns. It is customary for the members of the general committee to designate the district leaders for the executive committee, but they are elected by their own districts respectively at the annual primary elections. The district leader is a very important wheel in the machine. He not only leads his district but represents it on the executive committee; and this brotherhood of leaders forms the potent oligarchy of Tammany. Its sanction crowns the high chieftain, the boss, who, in turn, must be constantly on the alert that his throne is not undermined; that is to say, he and his district leaders must "play politics" within their own bailiwicks to keep their heads on their own shoulders. After their enfranchisement in New York (1917) women were made eligible to the general and executive committees. Thirty-seven were at once elected to the executive committee, and plans were made to give them one-half of the representation on the general committee.

Each of the twenty-three assembly districts is in turn divided into election districts of about 400

voters, each with a precinct captain who is acquainted with every voter in his precinct and keeps track, as far as possible, of his affairs. In every assembly district there are headquarters and a club house, where the voters can go in the evening and enjoy a smoke, a bottle, and a more or less quiet game.

This organization is never dormant. And this is the key to its vitality. There is no mystery about it. Tammany is as vigilant between elections as it is on election day. It has always been solicitous for the poor and the humble, who most need and best appreciate help and attention. Every poor immigrant is welcomed, introduced to the district headquarters, given work, or food, or shelter. Tammany is his practical friend; and in return he is merely to become naturalized as quickly as possible under the wardship of a Tammany captain and by the grace of a Tammany judge, and then to vote the Tammany ticket. The new citizen's lessons in political science are all flavored with highly practical notions.

Tammany's machinery enables a house-to-house canvass to be made in one day. But this machinery must be oiled. There are three sources of the necessary lubricant: offices, jobs, the sale of

favours; these are dependent on winning the elections. From its very earliest days, fraud at the polls has been a Tammany practice. As long as property qualifications were required, money was furnished for buying houses which could harbor a whole settlement of voters. It was not, however, until the adoption of universal suffrage that wholesale frauds became possible or useful; for with a limited suffrage it was necessary to sway only a few score votes to carry an ordinary election.

Fernando Wood set a new pace in this race for votes. It has been estimated that in 1854 there "were about 40,000 shiftless, unprincipled persons who lived by their wits and the labor of others. The trade of a part of these was turning primary elections, packing nominating conventions, repeating, and breaking up meetings." Wood also systematized naturalization. A card bearing the following legend was the open sesame to American citizenship:

"Common Pleas:

Please naturalize the bearer.

N. Seagrist, Chairman."

Seagrist was one of the men charged by an aldermanic committee "with robbing the funeral pall of

Henry Clay when his sacred person passed through this city."

When Hoffman was first elected mayor, over 15,000 persons were registered who could not be found at the places indicated. The naturalization machinery was then running at high speed. In 1868, from 25,000 to 30,000 foreigners were naturalized in New York in six weeks. Of 156,288 votes cast in the city, 25,000 were afterwards shown to be fraudulent. It was about this time that an official whose duty it was to swear in the election inspectors, not finding a Bible at hand, used a volume of Ollendorf's *New Method of Learning to Read, Write, and Speak French*. The courts sustained this substitution on the ground that it could not possibly have vitiated the election!

A new federal naturalization law and rigid election laws have made wholesale frauds impossible; and the genius of Tammany is now attempting to adjust itself to the new immigration, the new political spirit, and the new communal vigilance. Its power is believed by some optimistic observers to be waning. But the evidences are not wanting that its vitality and internal discipline are still persistent.



CHAPTER VI

LESSER OLIGARCHIES

NEW YORK CITY is not unique in its experience with political bossdom. Nearly every American city, in a greater or less degree, for longer or shorter periods, has been dominated by oligarchies.

Around Philadelphia, American sentiment has woven the memories of great events. It still remains, of all our large cities, the most "American." It has fewer aliens than any other, a larger percentage of home owners, a larger number of small tradespeople and skilled artisans — the sort of population which democracy exalts, and who in turn are presumed to be the bulwark of democracy. These good citizens, busied with the anxieties and excitements of their private concerns, discovered, in the decade following the Civil War, that their city had slipped unawares into the control of a compact oligarchy, the notorious Gas Ring.

The city government at this time was composed of thirty-two independent boards and departments, responsible to the council, but responsible to the council in name only and through the medium of a council committee. The coördinating force, the political gravitation which impelled all these diverse boards and council committees to act in unison, was the Gas Department. This department was controlled by a few designing and capable individuals under the captaincy of James McManes. They had reduced to political servitude all the employees of the department, numbering about two thousand. Then they had extended their sway over other city departments, especially the police department. Through the connivance of the police and control over the registration of voters, they soon dominated the primaries and the nominating conventions. They carried the banner of the Republican party, the dominant party in Philadelphia and in the State, under which they more easily controlled elections, for the people voted "regular." Then every one of the city's servants was made to pay to the Gas Ring money as well as obeisance. Tradespeople who sold supplies to the city, contractors who did its work, saloon-keepers and dive-owners who

wanted protection — all paid. The city's debt increased at the rate of \$3,000,000 a year, without visible evidence of the application of money to the city's growing needs.

In 1883 the citizens finally aroused themselves and petitioned the legislature for a new charter. They confessed: "Philadelphia is now recognized as the worst paved and worst cleaned city in the civilized world. The water supply is so bad that during many weeks of the last winter it was not only distasteful and unwholesome for drinking, but offensive for bathing purposes. The effort to clean the streets was abandoned for months and no attempt was made to that end until some public-spirited citizens, at their own expense, cleaned a number of the principal thoroughfares. . . . The physical condition of the sewers" is "dangerous to the health and most offensive to the comfort of our people. Public work has been done so badly that structures have to be renewed almost as soon as finished. Others have been in part constructed at enormous expense and then permitted to fall to decay without completion." This is a graphic and faithful description of the result which follows government of the Ring, for the Ring, with the people's money.

The legislature in 1885 granted Philadelphia a new charter, called the Bullitt Law, which went into effect in 1887, and which greatly simplified the structure of the government and centered responsibility in the mayor. It was then necessary for the Ring to control primaries and win elections in order to keep the city within its clutches. So began in Philadelphia the practice of fraudulent registering and voting on a scale that has probably never been equaled elsewhere in America. Names taken from tombstones in the cemeteries and from the register of births found their way to the polling registers. Dogs, cats, horses, anything living or dead, with a name, served the purpose.

The exposure of these frauds was undertaken in 1900 by the Municipal League. In two wards, where the population had decreased one per cent in ten years (1890-1900), it was found that the registered voters had increased one hundred per cent. From one house sixty-two voters were registered, of sundry occupations as follows: "Professors, bricklayers, gentlemen, moulders, cashiers, barbers, ministers, bakers, doctors, drivers, bartenders, plumbers, clerks, cooks, merchants, stevedores, bookkeepers, waiters, florists, boiler-makers, salesmen, soldiers, electricians, printers,

book agents, and restaurant keepers." One hundred and twenty-two voters, according to the register, lived at another house, including nine agents, nine machinists, nine gentlemen, nine waiters, nine salesmen, four barbers, four bakers, fourteen clerks, three laborers, two bartenders, a milkman, an optician, a piano-mover, a window-cleaner, a nurse, and so on.

On the day before the election the Municipal League sent registered letters to all the registered voters of certain precincts. Sixty-three per cent were returned, marked by the postman, "not at," "deceased," "removed," "not known." Of forty-four letters addressed to names registered from one four-story house, eighteen were returned. From another house, supposed to be sheltering forty-eight voters, forty-one were returned; from another, to which sixty-two were sent, sixty-one came back. The league reported that "two hundred and fifty-two votes were returned in a division that had less than one hundred legal voters within its boundaries." Repeating and ballot-box stuffing were common. Election officers would place fifty or more ballots in the box before the polls opened or would hand out a handful of ballots to the recognized repeaters.

The high-water mark of boss rule was reached under Mayor Ashbridge, "Stars-and-Stripes Sam," who had been elected in 1899. The moderation of Martin, who had succeeded McManes as boss, was cast aside; the mayor was himself a member of the Ring. When Ashbridge retired, the Municipal League reported: "The four years of the Ashbridge administration have passed into history leaving behind them a scar on the fame and reputation of our city which will be a long time healing. Never before, and let us hope never again, will there be such brazen defiance of public opinion, such flagrant disregard of public interest, such abuse of power and responsibility for private ends."

Since that time the fortunes of the Philadelphia Ring have fluctuated. Its hold upon the city, however, is not broken, but is still strong enough to justify Owen Wister's observation: "Not a Dickens, only a Zola, would have the face (and the stomach) to tell the whole truth about Philadelphia."

St. Louis was one of the first cities of America to possess the much-coveted home rule. The Missouri State Constitution of 1875 granted the

city the power to frame its own charter, under certain limitations. The new charter provided for a mayor elected for four years with the power of appointing certain heads of departments; others, however, were to be elected directly by the people. It provided for a Municipal Assembly composed of two houses: the Council, with thirteen members, elected at large for four years, and the House of Delegates, with twenty-eight members, one from each ward, elected for two years. These two houses were given coördinate powers; one was presumed to be a check on the other. The Assembly fixed the tax rate, granted franchises, and passed upon all public improvements. The Police Department was, however, under the control of the mayor and four commissioners, the latter appointed by the Governor. The city was usually Republican by about 8000 majority; the State was safely Democratic. The city, until a few years ago, had few tenements and a small floating population.

Outwardly, all seemed well with the city until 1901, when the inside workings of its government were revealed to the public gaze through the vengeance of a disappointed franchise-seeker. The Suburban Railway Company sought an extension of its franchises. It had approached the

man known as the dispenser of such favors, but, thinking his price (\$145,000) too high, had sought to deal directly with the Municipal Assembly. The price agreed upon for the House of Delegates was \$75,000; for the Council, \$60,000. These sums were placed in safety vaults controlled by a dual lock. The representative of the Company held one of the keys; the representative of the Assembly, the other; so that neither party could take the money without the presence of both. The Assembly duly granted the franchises; but property owners along the line of the proposed extension secured an injunction, which delayed the proceedings until the term of the venal House of Delegates had expired. The Assemblymen, having delivered the goods, demanded their pay. The Company, held up by the courts, refused. Mutterings of the disappointed conspirators reached the ear of an enterprising newspaper reporter. Thereby the Circuit Attorney, Joseph W. Folk, struck the trail of the gang. Both the president of the railway company and the "agent" of the rogues of the Assembly turned state's evidence; the safe-deposit boxes were opened, disclosing the packages containing one hundred and thirty-five \$1000 bills.

This exposure led to others—the “Central Traction Conspiracy,” the “Lighting Deal,” the “Garbage Deal.” In the cleaning-up process, thirty-nine persons were indicted, twenty-four for bribery and fifteen for perjury.

The evidence which Folk presented in the prosecution of these scoundrels merely confirmed what had long been an unsavory rumor: that franchises and contracts were bought and sold like merchandise; that the buyers were men of eminence in the city’s business affairs; and that the sellers were the people’s representatives in the Assembly. The Grand Jury reported: “Our investigation, covering more or less fully a period of ten years shows that, with few exceptions, no ordinance has been passed wherein valuable privileges or franchises are granted until those interested have paid the legislators the money demanded for action in the particular case. . . . So long has this practice existed that such members have come to regard the receipt of money for action on pending measures as a legitimate perquisite of a legislator.”

These legislators, it appeared from the testimony, had formed a water-tight ring or “combine” in 1899, for the purpose of systematizing this

traffic. A regular scale of prices was adopted: so much for an excavation, so much per foot for a railway switch, so much for a street pavement, so much for a grain elevator. Edward R. Butler was the master under whose commands for many years this trafficking was reduced to systematic perfection. He had come to St. Louis when a young man, had opened a blacksmith shop, had built up a good trade in horseshoeing, and also a pliant political following in his ward. His attempt to defeat the home rule charter in 1876 had given him wider prominence, and he soon became the boss of the Democratic machine. His energy, shrewdness, liberality, and capacity for friendship gave him sway over both Republican and Democratic votes in certain portions of the city. A prominent St. Louis attorney says that for over twenty years "he named candidates on both tickets, fixed, collected, and disbursed campaign assessments, determined the results in elections, and in fine, practically controlled the public affairs of St. Louis." He was the agent usually sought by franchise-seekers, and he said that had the Suburban Company dealt with him instead of with the members of the Assembly, they might have avoided exposure. He was indicted four times in

the upheaval, twice for attempting to bribe the Board of Health in the garbage deal — he was a stockholder in the company seeking the contract — and twice for bribery in the lighting contract.

Cincinnati inherited from the Civil War the domestic excitements and political antagonisms of a border city. Its large German population gave it a conservative political demeanor, slow to accept changes, loyal to the Republican party as it was to the Union. This reduced partizan opposition to a docile minority, willing to dicker for public spoils with the intrenched majority.

George B. Cox was for thirty years the boss of this city. Events had prepared the way for him. Following closely upon the war, Tom Campbell, a crafty criminal lawyer, was the local leader of the Republicans, and John R. McLean, owner of the Cincinnati *Enquirer*, a very rich man, of the Democrats. These two men were cronies: they bartered the votes of their followers. For some years crime ran its repulsive course: brawlers, thieves, cut-throats escaped conviction through the defensive influence of the lawyer-boss. In 1880, Cox, who had served an apprenticeship in his

brother-in-law's gambling house, was elected to the city council. Thence he was promoted to the decennial board of equalization which appraised all real estate every ten years. There followed a great decrease in the valuation of some of the choicest holdings in the city. In 1884 there were riots in Cincinnati. After the acquittal of two brutes who had murdered a man for a trifling sum of money, exasperated citizens burned the criminal court house. The barter in justice stopped, but the barter in offices and in votes continued. The Blaine campaign then in progress was in great danger. Cox, already a master of the political game, promised the Republican leaders that if they would give him a campaign fund he would turn in a Republican majority from Cincinnati. He did; and for many years thereafter the returns from Hamilton County, in which Cincinnati is situated, brought cheer to Republican State headquarters on election night.

Cox was an unostentatious, silent man, giving one the impression of sullenness, and almost entirely lacking in those qualities of comradeship which one usually seeks in the "Boss" type. From a barren little room over the "Mecca" saloon, with the help of a telephone, he managed

his machine. He never obtruded himself upon the public. He always remained in the background. Nor did he ever take vast sums. Moderation was the rule of his loot.

By 1905 a movement set in to rid the city of machine rule. Cox saw this movement growing in strength. So he imported boatloads of floaters from Kentucky. These floaters registered "from dives, and doggeries, from coal bins and water closets; no space was too small to harbor a man." For once he threw prudence to the winds. Exposure followed; over 2800 illegal voters were found. The newspapers, so long docile, now provided the necessary publicity. A little paper, the *Citizen's Bulletin*, which had started as a handbill of reform, when all the dailies seemed closed to the facts, now grew into a sturdy weekly. And, to add the capstone to Cox's undoing, William H. Taft, the most distinguished son of Cincinnati, then Secretary of War in President Roosevelt's cabinet, in a campaign speech in Akron, Ohio, advised the Republicans to repudiate him. This confounded the "regulars," and Cox was partially beaten. The reformers elected their candidate for mayor, but the boss retained his hold on the county and the city council. And, in spite of all

that was done, Cox remained an influence in politics until his death, May 20, 1916.

San Francisco has had a varied and impressive political experience. The first legislature of California incorporated the mining town into the city of San Francisco, April 15, 1850. Its government from the outset was corrupt and inefficient. Lawlessness culminated in the murder of the editor of the *Bulletin*, J. King of William, on May 14, 1856, and a vigilance committee was organized to clean up the city, and watch the ballot-box on election day.

Soon the legislature was petitioned to change the charter. The petition recites: "Without a change in the city government which shall diminish the weight of taxation, the city will neither be able to discharge the interest on debts already contracted, nor to meet the demands for current disbursements. . . . The present condition of the streets and public improvements of the city abundantly attest the total inefficiency of the present system."

The legislature passed the "Consolidation Act," and from 1856 to 1900 county and city were governed as a political unit. At first the hopes for

more frugal government seemed to be fulfilled. But all encouraging symptoms soon vanished. Partizan rule followed, encouraged by the tinkering of the legislature, which imposed on the charter layer upon layer of amendments, dictated by partizan craft, not by local needs. The administrative departments were managed by Boards of Commissioners, under the dictation of "Blind Boss Buckley," who governed his kingdom for many years with the despotic benevolence characteristic of his kind. The citizens saw their money squandered and their public improvements lagging. It took twenty-five years to complete the City Hall, at a cost of \$5,500,000. An official of the Citizens' Non-partizan party, in 1895, said: "There is no city in the Union with a quarter of a million people, which would not be the better for a little judicious hanging."

The repeated attempts made by citizens of San Francisco to get a new charter finally succeeded, and in 1900 the city hopefully entered a new epoch under a charter of its own making which contained several radical changes. Executive responsibility was centered in the mayor, fortified by a comprehensive civil service. The foundations were laid for municipal ownership of public utilities, and

the initiative and referendum were adopted for all public franchises. The legislative power was vested in a board of eighteen supervisors elected at large.

No other American city so dramatically represents the futility of basing political optimism on a mere plan. It was only a step from the mediocrity enthroned by the first election under the new charter to the gross inefficiency and corruption of a new ring, under a new boss. A Grand Jury (called the "Andrews Jury") made a report indicating that the administration was trafficking in favors sold to gamblers, prize-fighters, criminals, and the whole gamut of the underworld; that illegal profits were being reaped from illegal contracts, and that every branch of the executive department was honeycombed with corruption. The Grand Jury believed and said all this, but it lacked the legal proof upon which Mayor Schmitz and his accomplices could be indicted. In spite of this report, Schmitz was reëlected in 1905 as the candidate of the Labor-Union party.

Now graft in San Francisco became simply universal. George Kennan, summarizing the practices of the looters, says they "took toll everywhere from everybody and in almost every

imaginable way: they went into partnership with dishonest contractors; sold privileges and permits to business men: extorted money from restaurants and saloons; levied assessments on municipal employees; shared the profits of houses of prostitution; forced beer, whiskey, champagne, and cigars on restaurants and saloons on commission; blackmailed gamblers, pool-sellers, and promoters of prize-fights; sold franchises to wealthy corporations; created such municipal bureaus as the commissary department and the city commercial company in order to make robbery of the city more easy; leased rooms and buildings for municipal offices at exorbitant rates, and compelled the lessees to share profits; held up milkmen, kite-advertisers, junk-dealers, and even street-sweepers; and took bribes from everybody who wanted an illegal privilege and was willing to pay for it. The motto of the administration seemed to be 'Encourage dishonesty, and then let no dishonest dollar escape.'"

The machinery through which this was effected was simple: the mayor had vast appointing powers and by this means directly controlled all the city departments. But the mayor was only an automaton. Back of him was Abe Ruef, the Boss, an

unscrupulous lawyer who had wormed his way into the labor party, and manipulated the "leaders" like puppets. Ruef's game also was elementary. He sold his omnipotence for cash, either under the respectable cloak of "retainer" or under the more common device of commissions and dividends, so that thugs retained him for their freedom, contractors for the favors they expected, and public service corporations for their franchises.

Finally, through the persistence of a few private citizens, a Grand Jury was summoned. Under the foremanship of B. P. Oliver it made a thorough investigation. Francis J. Heney was employed as special prosecutor and William J. Burns as detective. Heney and Burns formed an aggressive team. The Ring proved as vulnerable as it was rotten. Over three hundred indictments were returned, involving persons in every walk of life. Ruef was sentenced to fourteen years in the penitentiary. Schmitz was freed on a technicality, after being found guilty and sentenced to five years. Most of the other indictments were not tried, the prosecutor's attention having been diverted to the trail of the franchise-seekers, who have thus far eluded conviction.

AmB-

Minneapolis, a city blending New England traditions with Scandinavian thrift, illustrates, in its experiences with "Doc" Ames, the maneuvers of the peripatetic boss. Ames was four times mayor of the city, but never his own successor. Each succeeding experience with him grew more lurid of indecency, until his third term was crystallized in Minneapolis tradition as "the notorious Ames administration." Domestic scandal made him a social outcast, political corruption a by-word, and Ames disappeared from public view for ten years.

In 1900 a new primary law provided the opportunity to return him to power for the fourth time. Ames, who had been a Democrat, now found it convenient to become a Republican. The new law, like most of the early primary laws, permitted members of one party to vote in the primaries of the other party. So Ames's following, estimated at about fifteen hundred, voted in the Republican primaries, and he became a regular candidate of that party in a presidential year, when citizens felt the special urge to vote for the party.

Ames was the type of boss with whom discipline is secondary to personal aggrandizement. He had a passion for popularity; was imposing of pres-

ence; possessed considerable professional skill; and played constantly for the support of the poor. The attacks upon him he turned into political capital by saying that he was made a victim by the rich because he championed the poor. Susceptible to flattery and fond of display, he lacked the power to command. He had followers, not henchmen. His following was composed of the lowly, who were duped by his phrases, and of criminals, who knew his bent; and they followed him into any party whither he found it convenient to go, Republican, Democratic, or Populist.

The charter of Minneapolis gave the mayor considerable appointing power. He was virtually the dictator of the Police Department. This was the great opportunity of Ames and his floating vote. His own brother, a weak individual with a dubious record, was made Chief of Police. Within a few weeks about one-half of the police force was discharged, and the places filled with men who could be trusted by the gang. The number of detectives was increased and an ex-gambler placed at their head. A medical student from Ames's office was commissioned a special policeman to gather loot from the women of the street.

Through a telepathy of their own, the criminal

classes all over the country soon learned of the favorable conditions in Minneapolis, under which every form of gambling and low vice flourished; and burglars, pickpockets, safe-blowers, and harlots made their way thither. Mr. W. A. Frisbie, the editor of a leading Minneapolis paper, described the situation in the following words: "It is no exaggeration to say that in this period fully 99% of the police department's efficiency was devoted to the devising and enforcing of blackmail. Ordinary patrolmen on beats feared to arrest known criminals for fear the prisoners would prove to be 'protected.' . . . The horde of detective favorites hung lazily about police headquarters, waiting for some citizen to make complaint of property stolen, only that they might enforce additional blackmail against the thief, or possibly secure the booty for themselves. One detective is now [1903] serving time in the state prison for retaining a stolen diamond pin."

The mayor thought he had a machine for grinding blackmail from every criminal operation in his city, but he had only a gang, without discipline or coördinating power, and weakened by jealousy and suspicion. The wonder is that it lasted fifteen months. Then came the "April Grand Jury,"

under the foremanship of a courageous and resourceful business man. The régime of criminals crumbled; forty-nine indictments, involving twelve persons, were returned.

The Grand Jury, however, at first stood alone in its investigations. The crowd of politicians and vultures were against it, and no appropriations were granted for getting evidence. So its members paid expenses out of their own pockets, and its foreman himself interviewed prisoners and discovered the trail that led to the Ring's undoing. Ames's brother was convicted on second trial and sentenced to six and a half years in the penitentiary, while two of his accomplices received shorter terms. Mayor Ames, under indictment and heavy bonds, fled to Indiana.

The President of the City Council, a business man of education, tact, and sincerity, became mayor, for an interim of four months; enough time, as it proved, for him to return the city to its normal political life.

These examples are sufficient to illustrate the organization and working of the municipal machine. It must not be imagined by the reader that these cities alone, and a few others made

notorious by the magazine muck-rakers, are the only American cities that have developed oligarchies. In truth, not a single American city, great or small, has entirely escaped, for a greater or lesser period, the sway of a coterie of politicians. It has not always been a corrupt sway; but it has rarely, if ever, given efficient administration.

Happily there are not wanting signs that the general conditions which have fostered the Ring are disappearing. The period of reform set in about 1890, when people began to be interested in the study of municipal government. It was not long afterwards that the first authoritative books on the subject appeared. Then colleges began to give courses in municipal government; editors began to realize the public's concern in local questions and to discuss neighborhood politics as well as national politics. By 1900 a new era broke — the era of the Grand Jury. Nothing so hopeful in local politics had occurred in our history as the disclosures which followed. They provoked the residuum of conscience in the citizenry and the determination that honesty should rule in public business and politics as well as in private transactions. The Grand Jury inquiries, however, demonstrated clearly that the

criminal law was no remedy for municipal misrule. The great majority of floaters and illegal voters who were indicted never faced a trial jury. The results of the prosecutions for bribery and grosser political crimes were scarcely more encouraging. It is true that one Abe Ruef in a California penitentiary is worth untold sermons, editorials, and platform admonitions, and serves as a potent warning to all public malefactors. Yet the example is soon forgotten; and the people return to their former political habits.

But out of this decade of gang-hunting and its impressive experiences with the shortcomings of our criminal laws came the new municipal era which we have now fully entered, the era of enlightened administration. This new era calls for a reconstruction of the city government. Its principal feature is the rapid spread of the Galveston or Commission form of government and of its modification, the City Manager plan, the aim of which is to centralize governmental authority and to entice able men into municipal office. And there are many other manifestations of the new civic spirit. The mesmeric influence of national party names in civic politics is waning; the rise of home rule for the city is severing the unholy alliance

between the legislature and the local Ring; the power to grant franchises is being taken away from legislative bodies and placed directly with the people; nominations are passing out of the hands of cliques and are being made the gift of the voters through petitions and primaries; efficient reforms in the taxing and budgetary machinery have been instituted, and the development of the merit system in the civil service is creating a class of municipal experts beyond the reach of political gangsters.

There have sprung up all sorts of collateral organizations to help the officials: societies for municipal research, municipal reference libraries, citizens' unions, municipal leagues, and municipal parties. These are further supplemented by organizations which indirectly add to the momentum of practical, enlightened municipal sentiment: boards of commerce, associations of business and professional men of every variety, women's clubs, men's clubs, children's clubs, recreation clubs, social clubs, every one with its own peculiar vigilance upon some corner of the city's affairs. So every important city is guarded by a network of voluntary organizations.

All these changes in city government, in munici-

pal laws and political mechanisms, and in the people's attitude toward their cities, have tended to dignify municipal service. The city job has been lifted to a higher plane. Lord Rosebery, the brilliant chairman of the first London County Council, the governing body of the world's largest city, said many years ago: "I wish that my voice could extend to every municipality in the kingdom, and impress upon every man, however high his position, however great his wealth, however consummate his talents may be, the importance and nobility of municipal work." It is such a spirit as this that has made the government of Glasgow a model of democratic efficiency; and it is the beginnings of this spirit that the municipal historian finds developing in the last twenty years of American life. It is indeed difficult to see how our cities can slip back again into the clutches of bosses and rings and repeat the shameful history of the last decades of the nineteenth century.

CHAPTER VII

LEGISLATIVE OMNIPOTENCE

THE American people, when they wrote their first state constitutions, were filled with a profound distrust of executive authority, the offspring of their experience with the arbitrary King George. So they saw to it that the executive authority in their own government was reduced to its lowest terms, and that the legislative authority, which was presumed to represent the people, was exalted to legal omnipotence. In the original States, the legislature appointed many of the judicial and administrative officers; it was above the executive veto; it had political supremacy; it determined the form of local governments and divided the State into election precincts; it appointed the delegates to the Continental Congress, towards which it displayed the attitude of a sovereign. It was altogether the most important arm of the state government; in fact it virtually *was* the state government.

The Federal Constitution created a government of specified powers, reserving to the States all authority not expressly given to the central government. Congress can legislate only on subjects permitted by the Constitution; on the other hand, a state legislature can legislate on any subject not expressly forbidden. The state legislature possesses authority over a far wider range of subjects than Congress—subjects, moreover, which press much nearer to the daily activities of the citizens, such as the wide realm of private law, personal relations, local government, and property.

In the earlier days, men of first-class ability, such as Alexander Hamilton, Samuel Adams, and James Madison, did not disdain membership in the state legislatures. But the development of party spirit and machine politics brought with it a great change. Then came the legislative caucus; and party politics soon reigned in every capital. As the legislature was ruled by the majority, the dominant party elected presiding officers, designated committees, appointed subordinates, and controlled lawmaking. The party was therefore in a position to pay its political debts and bestow upon its supporters valuable favors. Further, as the legislature apportioned the various electoral

districts, the dominant party could, by means of the gerrymander, entrench itself even in unfriendly localities. And, to crown its political power, it elected United States Senators. But, as the power of the party increased, unfortunately the personnel of the legislature deteriorated. Able men, as a rule, shunned a service that not only took them from their private affairs for a number of months, but also involved them in partizan rivalries and trickeries. Gradually the people came to lose confidence in the legislative body and to put their trust more in the Executive or else reserved governmental powers to themselves. It was about 1835 that the decline of the legislature's powers set in, when new state constitutions began to clip its prerogatives, one after another.

The bulky constitutions now adopted by most of the States are eloquent testimony to the complete collapse of the legislature as an administrative body and to the people's general distrust of their chosen representatives. The initiative, referendum, recall, and the withholding of important subjects from the legislature's power, are among the devices intended to free the people from the machinations of their wilful representatives.

Now, most of the evils which these heroic meas-

ures have sought to remedy can be traced directly to the partizan ownership of the state legislature. The boss controlling the members of the legislature could not only dole out his favors to the privilege seekers; he could assuage the greed of the municipal ring; and could, to a lesser degree, command federal patronage by an *entente cordiale* with congressmen and senators; and through his power in presidential conventions and elections he had a direct connection with the presidential office itself.

It was in the days before the legislature was prohibited from granting, by special act, franchises and charters, when banks, turnpike companies, railroads, and all sorts of corporations came asking for charters, that the figure of the lobbyist first appeared. (He acted as a middleman between the seeker and the giver.) The preëminent figure of this type in state and legislative politics for several decades preceding the Civil War was Thurlow Weed of New York. As an influencer of legislatures, he stands easily first in ability and achievement. His great personal attractions won him willing followers whom he knew how to use. He was party manager, as well as lobbyist and boss in a real sense long before that term was coined.

His capacity for politics amounted to genius. He never sought office; and his memory has been left singularly free from taint. He became the editor of the *Albany Journal* and made it the leading Whig "up-state" paper. His friend Seward, whom he had lifted into the Governor's chair, passed on to the United States Senate; and when Horace Greeley with the *New York Tribune* joined their forces, this potent triumvirate ruled the Empire State. Greeley was its spokesman, Seward its leader, but Weed was its designer. From his room No. 11 in the old Astor House, he beckoned to forces that made or unmade presidents, governors, ambassadors, congressmen, judges, and legislators.

With the tremendous increase of business after the Civil War, New York City became the central office of the nation's business, and many of the interests centered there found it wise to have permanent representatives at Albany to scrutinize every bill that even remotely touched their welfare, to promote legislation that was frankly in their favor, and to prevent "strikes" — the bills designed for blackmail. After a time, however, the number of "strikes" decreased, as well as the number of lobbyists attending the session. The

corporate interests had learned efficiency. Instead of dealing with legislators individually, they arranged with the boss the price of peace or of desirable legislation. The boss transmitted his wishes to his puppets. This form of government depends upon a machine that controls the legislature. In New York both parties were moved by machines. "Tom" Platt was the "easy boss" of the Republicans; and Tammany and its "up-state" affiliations controlled the Democrats. "Right here," says Platt in his *Autobiography* (1910), "it may be appropriate to say that I have had more or less to do with the organization of the New York legislature since 1873." He had. For forty years he practically named the Speaker and committees when his party won, and he named the price when his party lost. All that an "interest" had to do, under the new plan, was to "see the boss," and the powers of government were delivered into its lap.

Some of this legislative bargaining was revealed in the insurance investigation of 1905, conducted by the Armstrong Committee with Charles E. Hughes as counsel. Officers of the New York Life Insurance Company testified that their company had given \$50,000 to the Republican campaign of

1904. An item of \$235,000, innocently charged to "Home office annex account," was traced to the hands of a notorious lobbyist at Albany. Three insurance companies had paid regularly \$50,000 each to the Republican campaign fund. Boss Platt himself was compelled reluctantly to relate how he had for fifteen years received ten one thousand dollar bundles of greenbacks from the Equitable Life as "consideration" for party goods delivered. John A. McCall, President of the New York Life, said: "I don't care about the Republican side of it or the Democratic side of it. It doesn't count at all with me. What is best for the New York Life moves and actuates me."

In another investigation Mr. H. O. Havemeyer of the Sugar Trust said: "We have large interests in this State; we need police protection and fire protection; we need everything that the city furnishes and gives, and we have to support these things. Every individual and corporation and firm—trust or whatever you call it—does these things and we do them." No distinction is made, then, between the government that ought to furnish this "protection" and the machine that sells it!

No episode in recent political history shows better the relations of the legislature to the po-

litical machine and the great power of invisible government than the impeachment and removal of Governor William Sulzer in 1913. Sulzer had been four times elected to the legislature. He served as Speaker in 1893. He was sent to Congress by an East Side district in New York City in 1895 and served continuously until his nomination for Governor of New York in 1912. All these years he was known as a Tammany man. During his campaign for Governor he made many promises for reform, and after his election he issued a bombastic declaration of independence. His words were discounted in the light of his previous record. Immediately after his inauguration, however, he began a house-cleaning. He set to work an economy and efficiency commission; he removed a Tammany superintendent of prisons; made unusually good appointments without paying any attention to the machine; and urged upon the legislature vigorous and vital laws.

But the Tammany party had a large working majority in both houses, and the changed Sulzer was given no support. The crucial moment came when an emasculated primary law was handed to him for his signature. An effective primary law

had been a leading campaign issue, all the parties being pledged to such an enactment. The one which the Governor was now requested to sign had been framed by the machine to suit its pleasure. The Governor vetoed it. The legislature adjourned on the 3rd of May. The Governor promptly reconvened it in extra session (June 7th) for the purpose of passing an adequate primary law. Threats that had been made against him by the machine now took form. An investigating committee, appointed by the Senate to examine the Governor's record, largely by chance happened upon "pay dirt," and early on the morning of the 13th of August, after an all-night session, the Assembly passed a motion made by its Tammany floor leader to impeach the Governor.

The articles of impeachment charged: first, that the Governor had filed a false report of his campaign expenses; second, that since he had made such statement under oath he was guilty of perjury; third, that he had bribed witnesses to withhold testimony from the investigating committee; fourth, that he had used threats in suppression of evidence before the same tribunal; fifth, that he had persuaded a witness from responding to the

committee's subpoena; sixth, that he had used campaign contributions for private speculation in the stock market; seventh, that he had used his power as Governor to influence the political action of certain officials; lastly, that he had used this power for affecting the stock market to his gain.

Unfortunately for the Governor, the first, second, and sixth charges had a background of facts, although the rest were ridiculous and trivial. By a vote of 43 to 12 he was removed from the governorship. The proceeding was not merely an impeachment of New York's Governor. It was an impeachment of its government. Every citizen knew that if Sulzer had obeyed Murphy, his shortcomings would never have been his undoing.

The great commonwealth of Pennsylvania was for sixty years under the domination of the House of Cameron and the House of Quay. Simon Cameron's entry into public notoriety was symbolic of his whole career. In 1838, he was one of a commission of two to disburse to the Winnebago Indians at Prairie du Chien \$100,000 in gold. But, instead of receiving gold, the poor Indians received only a few thousand dollars in the notes of a bank of which Cameron was the cashier.

Cameron was for this reason called "the Great Winnebago." He built a large fortune by canal and railway contracts, and later by rolling-mills and furnaces. He was one of the first men in American politics to purchase political power by the lavish use of cash, and to use political power for the gratification of financial greed. In 1857 he was elected to the United States Senate as a Republican by a legislature in which the Democrats had a majority. Three Democrats voted for him, and so bitter was the feeling against the renegade trio that no hotel in Harrisburg would shelter them.

In 1860 he was a candidate for the Republican presidential nomination. President Lincoln made him Secretary of War. But his management was so ill-savored that a committee of leading business men from the largest cities of the country told the President that it was impossible to transact business with such a man. These complaints coupled with other considerations moved Lincoln to dismiss Cameron. He did so in characteristic fashion. On January 11, 1862, he sent Cameron a curt note saying that he proposed to appoint him minister to Russia. And thither into exile Cameron went. A few months later, the House of

Representatives passed a resolution of censure, citing Cameron's employment of irresponsible persons and his purchase of supplies by private contract instead of competitive bidding. The resolution, however, was later expunged from the records; and Cameron, on his return from Russia, again entered the Senate under circumstances so suspicious that only the political influence of the boss thwarted an action for bribery. In 1877 he resigned, naming as his successor his son "Don," who was promptly elected.

In the meantime another personage had appeared on the scene. "Cameron made the use of money an essential to success in politics, but Quay made politics expensive beyond the most extravagant dreams." From the time he arrived of age until his death, with the exception of three or four years, Matthew S. Quay held public office. When the Civil War broke out, he had been for some time prothonotary of Beaver County, and during the war he served as Governor Curtin's private secretary. In 1865 he was elected to the legislature. In 1877 he induced the legislature to resurrect the discarded office of Recorder of Philadelphia, and for two years he collected the annual fees of \$40,000. In 1887 he was elected

to the United States Senate, in which he remained except for a brief interval until his death.

In 1899 came revelations of Quay's substantial interests in state moneys. The suicide of the cashier of the People's Bank of Philadelphia, which was largely owned by politicians and was a favorite depository of state funds, led to an investigation of the bank's affairs, and disclosed the fact that Quay and some of his associates had used state funds for speculation. Quay's famous telegram to the cashier was found among the dead official's papers, "If you can buy and carry a thousand Met. for me I will shake the plum tree."

Quay was indicted, but escaped trial by pleading the statute of limitations as preventing the introduction of necessary evidence against him. A great crowd of shouting henchmen accosted him as a hero when he left the court-room, and escorted him to his hotel. And the legislature soon thereafter elected him to his third term in the Senate.

Pittsburg, as well as Philadelphia, had its machine which was carefully geared to Quay's state machine. The connection was made clear by the testimony of William Flinn, a contractor boss, before a committee of the United States Senate.

Flinn explained the reason for a written agreement between Quay on the one hand and Flinn and one Brown in behalf of Chris Magee, the Big Boss, on the other, for the division of the sovereignty of western Pennsylvania. "Senator Quay told me," said Flinn, "that he would not permit us to elect the Republican candidate for mayor in Pittsburg unless we adjust the politics to suit him." The people evidently had nothing to say about it.

The experiences of New York and Pennsylvania are by no means isolated; they are illustrative. Very few States have escaped a legislative scandal. In particular, Rhode Island, Delaware, Illinois, Colorado, Montána, California, Ohio, Mississippi, Texas can give pertinent testimony to the willingness of legislatures to prostitute their great powers to the will of the boss or the machine.

CHAPTER VIII

THE NATIONAL HIERARCHY

AMERICAN political maneuver culminates at Washington. The Presidency and membership in the Senate and the House of Representatives are the great stakes. By a venerable tradition, scrupulously followed, the judicial department is kept beyond the reach of party greed.

The framers of the Constitution believed that they had contrived a method of electing the President and Vice-President which would preserve the choice from partizan taint. Each State should choose a number of electors "equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress." These electors were to form an independent body, to meet in their respective States and "ballot for two persons," and send the result of their balloting to the Capitol, where the President of the Senate, in the presence of the Senate and the House

of Representatives, opened the certificates and counted the votes. The one receiving the greatest number of votes was to be declared elected President, the one receiving the next highest number of votes, Vice-President. George Washington was the only President elected by such an autonomous group. The election of John Adams was bitterly contested, and the voters knew, when they were casting their ballots in 1796, whether they were voting for a Federalist or a Jeffersonian. From that day forward this greatest of political prizes has been awarded through partizan competition. In 1804 the method of selecting the Vice-President was changed by the twelfth constitutional amendment. The electors since that time ballot for President and Vice-President. Whatever may be the legal privileges of the members of the Electoral College, they are considered, by the voters, as agents of the party upon whose tickets their names appear, and to abuse this relationship would universally be deemed an act of perfidy.

The Constitution permits the legislatures of the States to determine how the electors shall be chosen. In the earlier period, the legislatures elected them; later they were elected by the people; sometimes by general ticket and sometimes by

district ticket. They are now everywhere elected by general ticket. Since the development of direct nominations, there has been a strong movement towards the abolition of the Electoral College and the election of the President by direct vote.

The President is the most powerful official in our government and in many respects he is the most powerful ruler in the world. He is Commander-in-Chief of the Army and Navy. His is virtually the sole responsibility in conducting international relations. He is at the head of the civil administration and all the important administrative departments are answerable to him. He possesses a vast power of appointment through which he dispenses political favors. His wish is potent in shaping legislation and his veto is rarely overridden. With Congress he must be in daily contact; for the Senate has the power of ratifying or discarding his appointments and of sanctioning or rejecting his treaties with foreign countries; and the House of Representatives originates all money bills and thus possesses a formidable check upon executive usurpation.

The Constitution originally reposed the choice of United States Senators with the state legislatures. A great deal of virtue was to flow from

such an indirect election. The members of the legislature were presumed to act with calm judgment and to choose only the wise and experienced for the dignity of the toga. And until the period following the Civil War the great majority of the States delighted to send their ablest statesmen to the Senate. Upon its roll we find the names of many of our illustrious orators and jurists. After the Civil War, when the spirit of commercialism invaded every activity, men who were merely rich began to aspire to senatorial honors. The debauch of the state legislatures which was revealed in the closing year of the nineteenth century and the opening days of the twentieth so revolted the people that the seventeenth constitutional amendment was adopted (1913) providing for the election of senators by direct vote.

The House of Representatives was designed to be the "popular house." Its election from small districts, by direct vote, every two years is a guarantee of its popular character. From this characteristic it has never departed. It is the People's House. It originates all revenue measures. On its floor, in the rough and tumble of debate, partizan motives are rarely absent.

Upon this national tripod, the Presidency, the

Senate, and the House, is builded the vast national party machine. Every citizen is familiar with the outer aspect of these great national parties as they strive in placid times to create a real issue of the tariff, or imperialism, or what not, so as to establish at least an ostensible difference between them; or as they, in critical times, make the party name synonymous with national security. The high-sounding platforms, the frenzied orators, the parades, mass-meetings, special trains, pamphlets, books, editorials, lithographs, posters—all these paraphernalia are conjured up in the voter's mind when he reads the words Democratic and Republican.

But, from the standpoint of the professional politician, all this that the voter sees is a mask, the patriotic veneer to hide the machine, that complex hierarchy of committees ranging from Washington to every cross-roads in the Republic. The committee system, described in a former chapter, was perfected by the Republican party during the days of the Civil War, under the stress of national necessity. The great party leaders were then in Congress. When the assassination of Lincoln placed Andrew Johnson in power, the bitter quarrel between Congress and the President firmly

united the Republicans; and in order to carry the mid-election in 1866, they organized a Congressional Campaign Committee to conduct the canvass. This practice has been continued by both parties, and in "off" years it plays a very prominent part in the party campaign. Congress alone, however, was only half the conquest. It was only through control of the Administration that access was gained to the succulent herbage of federal pasturage and that vast political prestige with the voter was achieved.

The President is nominally the head of his party. In reality he may not be; he may be only the President. That depends upon his personality, his desires, his hold upon Congress and upon the people, and upon the circumstances of the hour. During the Grant Administration, as already described, there existed, in every sense of the term, a federal machine. It held Congress, the Executive, and the vast federal patronage in its power. All the federal office-holders, all the postmasters and their assistants, revenue collectors, inspectors, clerks, marshals, deputies, consuls, and ambassadors were a part of the organization, contributing to its maintenance. We often hear today of the "Federal Crowd," a term used to describe

such appointees as still subsist on presidential and senatorial favor. In Grant's time, this "crowd" was a genuine machine, constructed, unlike some of its successors, from the center outward. But the "boss" of this machine was not the President. It was controlled by a group of leading Congressmen, who used their power for dictating appointments and framing "desirable" legislation. Grant, in the imagination of the people, symbolized the cause their sacrifices had won; and thus his moral prestige became the cloak of the political plotters.

A number of the ablest men in the Republican party, however, stood aloof; and by 1876 a movement against the manipulators had set in. Civil service reform had become a real issue. Hayes, the "dark horse" who was nominated in that year, declared, in accepting the nomination, that "reform should be thorough, radical, and complete." He promised not to be a candidate for a second term, thus avoiding the temptation, to which almost every President has succumbed, of using the patronage to secure his reëlection. The party managers pretended not to hear these promises. And when Hayes, after his inauguration, actually began to put them into force, they set the whole machinery of the party against

the President. Matters came to a head when the President issued an order commanding federal office-holders to refrain from political activity. This order was generally defied, especially in New York City in the post-office and customs rings. Two notorious offenders, Cornell and Arthur, were dismissed from office by the President. But the Senate, influenced by Roscoe Conkling's power, refused to confirm the President's new appointees; and under the Tenure of Office Act, which had been passed to tie President Johnson's hands, the offenders remained in office over a year. The fight disciplined the President and the machine in about equal proportions. The President became more amenable and the machine less arbitrary.

President Garfield attempted the impossible feat of obliging both the politicians and the reformers. He was persuaded to make nominations to federal offices in New York without consulting either of the senators from that State, Conkling and Platt. Conkling appealed to the Senate to reject the New York appointees sent in by the President. The Senate failed to sustain him. Conkling and his colleague Platt resigned from the Senate and appealed to the New York legislature, which also refused to sustain them.

While this absurd farce was going on, a more serious ferment was brewing. On July 2, 1881, President Garfield was assassinated by a disappointed office-seeker named Guiteau. The attention of the people was suddenly turned from the ridiculous diversion of the Conkling incident to the tragedy and its cause. They saw the chief office in their gift a mere pawn in the game of place-seekers, the time and energy of their President wasted in bickerings with congressmen over petty appointments, and the machinery of their Government dominated by the machinery of the party for ignoble or selfish ends.

At last the advocates of reform found their opportunity. In 1883 the Civil Service Act was passed, taking from the President about 14,000 appointments. Since then nearly every President, towards the end of his term, especially his second term, has added to the numbers, until nearly two-thirds of the federal offices are now filled by examination. President Cleveland during his second term made sweeping additions. President Roosevelt found about 100,000 in the classified service and left 200,000. President Taft, before his retirement, placed in the classified service assistant postmasters and clerks in first- and second-class

post-offices, about 42,000 rural delivery carriers, and over 20,000 skilled workers in the navy yards.

The appointing power of the President, however, still remains the principal point of his contact with the machine. He has, of course, other means of showing partizan favors. Tariff laws, laws regulating interstate commerce, reciprocity treaties, "pork barrels," pensions, financial policies, are all pregnant with political possibilities.

The second official unit in the national political hierarchy is the House of Representatives, controlling the purse-strings, which have been the deadly noose of many executive measures. The House is elected every two years, so that it may ever be "near to the people"! This produces a reflex not anticipated by the Fathers of the Constitution. It gives the representative brief respite from the necessities of politics, and hence little time for the necessities of the State.

The House attained the zenith of its power when it arraigned President Johnson at the bar of the Senate for high crimes and misdemeanors in office. It had shackled his appointing power by the Tenure of Office Act; it had forced its plan of reconstruction over his veto; and now it led him, dogged and defiant, to a political trial.

Within a few years the character of the House changed. A new generation interested in the issues of prosperity, rather than those of the war, entered public life. The House grew unwieldy in size and its business increased alarmingly. The minority, meanwhile, retained the power, through filibustering, to hold up the business of the country.

It was under such conditions that Speaker Reed, in 1890, crowned himself "Czar" by compelling a quorum. This he did by counting as actually present all members whom the clerk reported as "present but not voting." The minority fought desperately for its last privilege and even took a case to the Supreme Court to test the constitutionality of a law passed by a Reed-made quorum. The court concurred with the sensible opinion of the country that "when the quorum is present, it is there for the purpose of doing business," an opinion that was completely vindicated when the Democratic minority became a majority and adopted the rule for its own advantage.

By this ruling, the Speakership was lifted to a new eminence. The party caucus, which nominated the Speaker, and to which momentous party questions were referred, gave solidarity to the

party. But the influence of the Speaker, through his power of appointing committees, of referring bills, of recognizing members who wished to participate in debate, insured that discipline and centralized authority which makes mass action effective. The power of the Speaker was further enlarged by the creation of the Rules Committee, composed of the Speaker and two members from each party designated by him. This committee formed a triumvirate (the minority members were merely formal members) which set the limits of debate, proposed special rules for such occasions as the committee thought proper, and virtually determined the destiny of bills. So it came about, as Bryce remarks, that the choice of the Speaker was "a political event of the highest significance."

It was under the regency of Speaker Cannon that the power of the Speaker's office attained its climax. The Republicans had a large majority in the House and the old war-horses felt like colts. They assumed their leadership, however, with that obliviousness to youth which usually characterizes old age. The gifted and attractive Reed had ruled often by aphorism and wit, but the unimaginative Cannon ruled by the gavel alone; and in the course of time he and his clique

if veterans forgot entirely the difference between power and leadership.

Even party regularity could not long endure such tyranny. It was not against party organization that the insurgents finally raised their lances, but against the arbitrary use of the machinery of the organization by a small group of intrenched "standpatters." The revolt began during the debate on the Payne-Aldrich tariff, and in the campaign of 1908 "Cannonism" was denounced from the stump in every part of the country. By March, 1910, the insurgents were able, with the aid of the Democrats, to amend the rules, increasing the Committee on Rules to ten to be elected by the House and making the Speaker ineligible for membership. When the Democrats secured control of the House in the following year, the rules were revised, and the selection of all committees is now determined by a Committee on Committees chosen in party caucus. This change shifts arbitrary power from the shoulders of the Speaker to the shoulders of the party chieftains. The power of the Speaker has been lessened but by no means destroyed. He is still the party chanticler.

The political power of the House, however,

cannot be calculated without admitting to the equation the Senate, the third official unit, and, indeed, the most powerful factor in the national hierarchy. The Senate shares equally with the House the responsibility of lawmaking, and shares with the President the responsibility of appointments and of treaty-making. It has been the scene of many memorable contests with the President for political control. The senators are elder statesmen, who have passed through the refining fires of experience, either in law, business, or politics. A senator is elected for six years; so that he has a period of rest between elections, in which he may forget his constituents in the ardor of his duties.

Within the last few decades a great change has come over the Senate, over its membership, its attitude towards public questions, and its relation to the electorate. This has been brought about through disclosures tending to show the relations on the part of some senators towards "big business." As early as the Granger revelations of railway machinations in politics, in the seventies, a popular distrust of the Senate became pronounced. No suggestion of corruption was implied, but certain senators were known as "railway senators,"

and were believed to use their partizan influence in their friends' behalf. This feeling increased from year to year, until what was long suspected came suddenly to light, through an entirely unexpected agency. William Randolph Hearst, a newspaper owner who had in vain attempted to secure a nomination for President by the Democrats and to get himself elected Governor of New York, had organized and financed a party of his own, the Independence League. While speaking in behalf of his party, in the fall of 1908, he read extracts from letters written by an official of the Standard Oil Company to various senators. The letters, it later appeared, had been purloined from the Company's files by a faithless employee. They caused a tremendous sensation. The public mind had become so sensitive that the mere fact that an intimacy existed between the most notorious of trusts and some few United States senators — the correspondents called each other "Dear John," "Dear Senator," etc. — was sufficient to arouse the general wrath. The letters disclosed a keen interest on the part of the corporation in the details of legislation, and the public promptly took the Standard Oil Company as a type. They believed, without demanding tangible proof, that

other great corporations were, in some sinister manner, influencing legislation. Railroads, insurance companies, great banking concerns, vast industrial corporations, were associated in the public mind as "the Interests." And the United States Senate was deemed the stronghold of the interests. A saturnalia of senatorial muckraking now laid bare the "oligarchy," as the small group of powerful veteran Senators who controlled the senatorial machinery was called. It was disclosed that the centralization of leadership in the Senate coincided with the centralization of power in the Democratic and Republican national machines. In 1911 and 1912 a "money trust" investigation was conducted by the Senate and a comfortable *entente* was revealed between a group of bankers, insurance companies, manufacturers, and other interests, carried on through an elaborate system of interlocking directorates. Finally, in 1912, the Senate ordered its Committee on Privileges and Elections to investigate campaign contributions paid to the national campaign committees in 1904, 1908, and 1912. The testimony taken before this committee supplied the country with authentic data of the interrelations of Big Business and Big Politics.

The revolt against "Cannonism" in the House had its counterpart in the Senate. By the time the Aldrich tariff bill came to a vote (1909), about ten Republican senators rebelled. The revolt gathered momentum and culminated in 1912 in the organization of the National Progressive party with Theodore Roosevelt as its candidate for President and Hiram Johnson of California for Vice-President. The majority of the Progressives returned to the Republican fold in 1916. But the rupture was not healed, and the Democrats re-elected Woodrow Wilson.

CHAPTER IX

THE AWAKENING

IN the early days a ballot was simply a piece of paper with the names of the candidates written or printed on it. As party organizations became more ambitious, the party printed its own ballots, and "scratching" was done by pasting gummed stickers, with the names of the substitutes printed on them, over the regular ballot, or by simply striking out a name and writing another one in its place. It was customary to print the different party tickets on different colored paper, so that the judges in charge of the ballot boxes could tell how the men voted. When later laws required all ballots to be printed on white paper and of the same size, the parties used paper of different texture. Election officials could then tell by the "feel" which ticket was voted. Finally paper of the same color and quality was enjoined by some States. But it was not until the State itself under-

took to print the ballots that uniformity was secured.

In the meantime the peddling of tickets was a regular occupation on election day. Canvassers invaded homes and places of business, and even surrounded the voting place. It was the custom in many parts of the country for the voters to prepare the ballots before reaching the voting-place and carry them in the vest pocket, with a margin showing. This was a sort of signal that the voter's mind had been made up and that he should be let alone, yet even with this signal showing, in hotly contested elections the voter ran a noisy gauntlet of eager solicitors, harassing him on his way to vote as cab drivers assail the traveler when he alights from the train. This free and easy method, tolerable in sparsely settled pioneer districts, failed miserably in the cities. It was necessary to pass rigorous laws against vote buying and selling, and to clear the polling-place of all partizan soliciting. Penal provisions were enacted against intimidation, violence, repeating, false swearing when challenged, ballot-box stuffing, and the more patent forms of partizan vices. In order to stop the practice of "repeating," New York early passed laws requiring voters to be duly registered.

But the early laws were defective, and the rolls were easily padded. In most of the cities poll lists were made by the party workers, and the name of each voter was checked off as he voted. It was still impossible for the voter to keep secret his ballot. The buyer of votes could tell whether he got what he paid for; the employer, so disposed, could bully those dependent on him into voting as he wished, and the way was open to all manner of tricks in the printing of ballots with misleading emblems, or with certain names omitted, or with a mixture of candidates from various parties—tricks that were later forbidden by law but were none the less common.

Rather suddenly a great change came over election day. In 1888 Kentucky adopted the Australian ballot for the city of Louisville, and Massachusetts adopted it for all state and local elections. The Massachusetts statute provided that before an election each political party should certify its nominees to the Secretary of the Commonwealth. The State then printed the ballots. All the nominees of all the parties were printed on one sheet. Each office was placed in a separate column, the candidates in alphabetical order, with the names of the parties following. Blank

spaces were left for those who wished to vote for others than the regular nominees. This form of ballot prevented "voting straight" with a single mark. The voter, in the seclusion of a booth at the polling-place, had to pick his party's candidates from the numerous columns.

Indiana, in 1889, adopted a similar statute but the ballot had certain modifications to suit the needs of party orthodoxy. Here the columns represented parties, not offices. Each party had a column. Each column was headed by the party name and its device, so that those who could not read could vote for the Rooster or the Eagle or the Fountain. There was a circle placed under the device, and by making his mark in this circle the voter voted straight.

Within eight years thirty-eight States and two Territories had adopted the Australian or blanket ballot in some modified form. It was but a step to the state control of the election machinery. Some state officer, usually the Secretary of State, was designated to see that the election laws were enforced. In New York a State Commissioner of Elections was appointed. The appointment of local inspectors and judges remained for a time in the hands of the parties. But soon in several

States even this power was taken from them, and the trend now is towards appointing all election officers by the central authority. These officers also have complete charge of the registration of voters. In some States, like New York, registration has become a rather solemn procedure, requiring the answering of many questions and the signing of the voter's name, all under the threat of perjury if a wilful misrepresentation is made.

So passed out of the control of the party the preparation of the ballot and the use of the ballot on election day. Innumerable rules have been laid down by the State for the conduct of elections. The distribution of the ballots, their custody before election, the order of electoral procedure, the counting of the ballots, the making of returns, the custody of the ballot-boxes, and all other necessary details, are regulated by law under official state supervision. The parties are allowed watchers at the polls, but these have no official standing.

If a Revolutionary Father could visit his old haunts on election day, he would be astonished at the sober decorum. In his time elections lasted three days, days filled with harangue, with drinking, betting, raillery, and occasional encounters.

Even those whose memory goes back to the Civil War can contrast the ballot peddling, the soliciting, the crowded noisy polling-places, with the calm and quiet with which men deposit their ballots today. For now every ballot is numbered and no one is permitted to take a single copy from the room. Every voter must prepare his ballot in the booth. And every polling-place is an island of immunity in the sea of political excitement.

While the people were thus assuming control of the ballot, they were proceeding to gain control of their legislatures. In 1890 Massachusetts enacted one of the first antilobby laws. It has served as a model for many other States. It provided that the sergeant-at-arms should keep dockets in which were enrolled the names of all persons employed as counsel or agents before legislative committees. Each counsel or agent was further compelled to state the length of his engagement, the subjects or bills for which he was employed, and the name and address of his employer.

The first session after the passage of this law, many of the professional lobbyists refused to enroll, and the most notorious ones were seen no more in the State House. The regular counsel of railroads, insurance companies, and other interests signed

the proper docket and appeared for their clients in open committee meetings.

The law made it the duty of the Secretary of the Commonwealth to report to the law officers of the State, for prosecution, all those who failed to comply with the act. Sixty-seven such delinquents were reported the first year. The Grand Jury refused to indict them, but the number of recalcitrants has gradually diminished.

The experience of Massachusetts is not unique. Other States passed more or less rigorous anti-lobby laws, and today, in no state Capitol, will the visitor see the disgusting sights that were usual thirty years ago — arrogant and coarse professional “agents” mingling on the floor of the legislature with members, even suggesting procedure to presiding officers, and not infrequently commandeering a majority. Such influences, where they persist, have been driven under cover.

With the decline of the professional lobbyist came the rise of the volunteer lobbyist. Important bills are now considered in formal committee hearings which are well advertised so that interested parties may be present. Publicity and information have taken the place of secrecy in legislative procedure. The gathering of expert tes-

timony by special legislative commissions of inquiry is now a frequent practice in respect to subjects of wide social import, such as workmen's compensation, widows' pensions, and factory conditions.

A number of States have resorted to the initiative and referendum as applied to ordinary legislation. By means of this method a small percentage of the voters, from eight to ten per cent, may initiate proposals and impose upon the voters the function of legislation. South Dakota, in 1898, made constitutional provision for direct legislation. Utah followed in 1900, Oregon in 1902, Nevada in 1904, Montana in 1906, and Oklahoma in 1907. East of the Mississippi, several States have adopted a modified form of the initiative and referendum. In Oregon, where this device of direct government has been most assiduously applied, the voters in 1908 voted upon nineteen different bills and constitutional amendments; in 1910 the number increased to thirty-two; in 1912, to thirty-seven; in 1914 it fell to twenty-nine. The vote cast for these measures rarely exceeded eighty per cent of those voting at the election and frequently fell below sixty.

The electorate that attempts to rid itself of the evils of the state legislature by these heroic

methods assumes a heavy responsibility. When the burden of direct legislation is added to the task of choosing from the long list of elective officers which is placed before the voter at every local and state election, it is not surprising that there should set in a reaction in favor of simplified government. The mere separation of state and local elections does not solve the problem. It somewhat minimizes the chances of partizan influence over the voter in local elections; but the voter is still confronted with the long lists of candidates for elective offices. Ballots not infrequently contain two hundred names, sometimes even three hundred or more, covering candidates of four or five parties for scores of offices. These blanket ballots are sometimes three feet long. After an election in Chicago in 1916, one of the leading dailies expressed sympathy "for the voter emerging from the polling-booth, clutching a handful of papers, one of them about half as large as a bed sheet." Probably most voters were able to express a real preference among the national candidates. It is almost equally certain that most voters were not able to express a real preference among important local administrative officials. A huge ballot, all printed over with names, supplemented

by a series of smaller ballots, can never be a manageable instrument even for an electorate as intelligent as ours.

Simplification is the prophetic watchword in state government today. For cities, the City Manager and the Commission have offered salvation. A few officers only are elected and these are held strictly responsible, sometimes under the constant threat of the recall, for the entire administration. Over four hundred cities have adopted the form of government by Commission. But nothing has been done to simplify our state governments, which are surrounded by a maze of heterogeneous and undirected boards and authorities. Every time the legislature found itself confronted by a new function to be cared for, it simply created a new board. New York has a hodgepodge of over 116 such authorities; Minnesota, 75; Illinois, 100. Iowa in 1913 and Illinois and Minnesota in 1914, indeed, perfected elaborate proposals for simplifying their state governments. But these suggestions remain dormant. And the New York State Constitutional Convention in 1915 prepared a new Constitution for the State, with the same end in view, but their work was not accepted by the people. It may be said, however, that

in our attempt to rid ourselves of boss rule we have swung through the arc of direct government and are now on the returning curve toward representative government, a more intensified representative government that makes evasion of responsibility and duty impossible by fixing it upon one or two men.

CHAPTER X

PARTY REFORM

THE State, at first, had paid little attention to the party, which was regarded as a purely voluntary aggregation of like-minded citizens. Evidently the State could not dictate that you should be a Democrat or a Republican or force you to be an Independent. With the adoption of the Australian ballot, however, came the legal recognition of the party; for as soon as the State recognized the party's designated nominees in the preparation of the official ballot, it recognized the party. It was then discovered that, unless some restrictions were imposed, groups of interested persons in the old parties would manage the nominations of both to their mutual satisfaction. Thus a handful of Democrats would visit Republican caucuses or primaries and a handful of Republicans would return the favor to the Democrats. In other words, the bosses of both parties would coöperate in order to secure nominations satisfactory to themselves.

Massachusetts began the reform by defining a party as a group of persons who had cast a certain percentage of the votes at the preceding election. This definition has been widely accepted; and the number of votes has been variously fixed at from two to twenty-five per cent. Other States have followed the New York plan of fixing definitely the number of voters necessary to form a party. In New York no fewer than 10,000 voters can secure recognition as a state party, exception being made in favor of municipal or purely local parties. But merely fixing the numerical minimum of the party was not enough. The State took another step forward in depriving the manipulator of his liberty when it undertook to determine who was entitled to membership in the party and privileged to take part in its nominations and other party procedure. Otherwise the virile minority in each party would control both the membership and the nominations.

An Oregon statute declares: "Every political party and every volunteer political organization has the same right to be protected from the interference of persons who are not identified with it, as its known and publicly avowed members, that the government of the State has to

protect itself from the interference of persons who are not known and registered as its electors. It is as great a wrong to the people, as well as to members of a political party, for anyone who is not known to be one of its members to vote or take any part at any election, or other proceedings of such political party, as it is for one who is not a qualified and registered elector to vote at any state election or to take part in the business of the State." It is a far reach from the democratic *laissez faire* of Jackson's day to this state dogmatism which threatens the independent or detached voter with ultimate extinction.

A variety of methods have been adopted for initiating the citizen into party membership. In the Southern States, where the dual party system does not exist, the legislature has left the matter in the hands of the duly appointed party officials. They can, with canonical rigor, determine the party standing of voters at the primaries. But where there is party competition, such a generous endowment of power would be dangerous.

Many States permit the voter to make his declaration of party allegiance when he goes to the primary. He asks for the ticket of the party whose nominees he wishes to help select. He is

then handed the party's ballot, which he marks and places in the ballot-box of that party. Now, if he is challenged, he must declare upon oath that he is a member of that party, that he has generally supported its tickets and its principles, and that at the coming election he intends to support at least a majority of its nominees. In this method little freedom is left to the voter who wishes to participate as an independent both in the primaries and in the general election.

The New York plan is more rigorous. Here, in all cities, the voter enrolls his name on his party's lists when he goes to register for the coming election. He receives a ballot upon which are the following words: "I am in general sympathy with the principles of the party which I have designated by my mark hereunder; it is my intention to support generally at the next general election, state and national, the nominees of such party for state and national offices; and I have not enrolled with or participated in any primary election or convention of any other party since the first day of last year." On this enrollment blank he indicates the party of his choice, and the election officials deposit all the ballots, after sealing them in envelopes, in a special box. At

a time designated by law, these seals are broken and the party enrollment is compiled from them. These party enrollment books are public records. Everyone who cares may consult the lists. The advantages of secrecy — such as they are — are thus not secured.

It remained for Wisconsin, the experimenting State, to find a way of insuring secrecy. Here, when the voter goes to the primary, he is handed a large ballot, upon which all the party nominations are printed. The different party tickets are separated by perforations, so that the voter simply tears out the party ticket he wishes to vote, marks it, and puts it in the box. The rejected tickets he deposits in a large waste basket provided for the discards.

While the party was being fenced in by legal definition, its machinery, the intricate hierarchy of committees, was subjected to state scrutiny with the avowed object of ridding the party of ring rule. The State Central Committee is the key to the situation. To democratize this committee is a task that has severely tested the ingenuity of the State, for the inventive capacity of the professional politician is prodigious. The devices to circumvent the politician are so numerous and

various that only a few types can be selected to illustrate how the State is carrying out its determination. Illinois has provided perhaps the most democratic method. In each congressional district, the voters, at the regular party primaries, choose the member of the state committee for the district, who serves for a term of two years. The law says that "no other person or persons whomsoever" than those so chosen by the voters shall serve on the committee, so that members by courtesy or by proxy, who might represent the boss, are apparently shut off. The law stipulates the time within which the committee must meet and organize. Under this plan, if the ring controls the committee, the fault lies wholly with the majority of the party; it is a self-imposed thralldom.

Iowa likewise stipulates that the Central Committee shall be composed of one member from each congressional district. But the members are chosen in a state convention, organized under strict and minute regulations imposed by law. It permits considerable freedom to the committee, however, stating that it "may organize at pleasure for political work as is usual and customary with such committees."

In Wisconsin another plan was adopted in 1907. Here the candidates for the various state offices and for both branches of the legislature and the senators whose terms have not expired meet in the state capital at noon on a day specified by law and elect by ballot a central committee consisting of at least two members from each congressional district. A chairman is chosen in the same manner.

Most States, however, leave some leeway in the choice of the state committee, permitting their election usually by the regular primaries but controlling their action in many details. The lesser committees — county, city, district, judicial, senatorial, congressional, and others — are even more rigorously controlled by law.

So the issuing of the party platform, the principles on which it must stand or fall, has been touched by this process of ossification. Few States retain the state convention in its original vigor. In all States where primaries are held for state nominations, the emasculated and subdued convention is permitted to write the party platform. But not so in some States. Wisconsin permits the candidates and the hold-over members of the Senate, assembled according to law in a state meeting, to

issue the platform. In other States, the Central Committee and the various candidates for state office form a party council and frame the platform. Oregon, in 1901, tried a novel method of providing platforms by referendum. But the courts declared the law unconstitutional. So Oregon now permits each candidate to write his own platform in not over one hundred words and file it with his nominating petition, and to present a statement of not over twelve words to be printed on the ballot.

The convention system provided many opportunities for the manipulator and was inherently imperfect for nominating more than one or two candidates for office. It has survived as the method of nominating candidates for President of the United States because it is adapted to the wide geographical range of the nation and because in the national convention only a President and a Vice-President are nominated. In state and county conventions, where often candidates for a dozen or more offices are to be nominated, it was often subject to demoralizing bartering.

The larger the number of nominations to be made, the more complete was the jobbery, and this was the death-warrant of the local convention.

These evils were recognized as early as June 20, 1860, when the Republican county convention of Crawford County, Pennsylvania, adopted the following resolutions:

Whereas, in nominating candidates for the several county offices, it clearly is, or ought to be, the object to arrive as nearly as possible at the wishes of the majority, or at least a plurality of the Republican voters; and

Whereas the present system of nominating by delegates, who virtually represent territory rather than votes, and who almost necessarily are wholly unacquainted with the wishes and feelings of their constituents in regard to various candidates for office, is undemocratic, because the people have no voice in it, and objectionable, because men are often placed in nomination because of their location who are decidedly unpopular, even in their own districts, and because it affords too great an opportunity for scheming and designing men to accomplish their own purposes; therefore

Resolved, that we are in favor of submitting nominations directly to the people—the Republican voters—and that delegate conventions for nominating county officers be abolished, and we hereby request and instruct the county committee to issue their call in 1861, in accordance with the spirit of this resolution.

Upon the basis of this indictment of the county convention system, the Republican voters of Crawford County, a rural community, whose largest town is Meadville, the county seat, proceeded to nominate their candidates by direct vote, under rules prepared by the county committee. These rules have been but slightly changed. The informality of a hat or open table drawer has been replaced by an official ballot-box, and an official ballot has taken the place of the tickets furnished by each candidate.

The "Crawford County plan," as it was generally called, was adopted by various localities in many States. In 1866 California and New York enacted laws to protect primaries and nominating caucuses from fraud. In 1871 Ohio and Pennsylvania enacted similar laws, followed by Missouri in 1875 and New Jersey in 1878. By 1890 over a dozen States had passed laws attempting to eliminate the grosser frauds attendant upon making nominations. In many instances it was made optional with the party whether the direct plan should supersede the delegate plan. Only in certain cities, however, was the primary made mandatory in these States. By far the larger areas retained the convention.

There is noticeable in these years a gradual increase in the amount of legislation concerning the nominating machinery — prescribing the days and hours for holding elections of delegates, the size of the polling-place, the nature of the ballot-box, the poll-list, who might participate in the choice of delegates, how the returns were to be made, and so on. By the time, then, that the Australian ballot came, with its profound changes, nearly all the States had attempted to remove the glaring abuses of the nominating system; and several of them officially recognized the direct primary. The State was reluctant to abolish the convention system entirely; and the Crawford County plan long remained merely optional. But in 1901 Minnesota enacted a state-wide, mandatory primary law. Mississippi followed in 1902, Wisconsin in 1903, and Oregon in 1904. This movement has swept the country.

Few States retain the nominating convention, and where it remains it is shackled by legal restrictions. The boss, however, has devised adequate means for controlling primaries, and a return to a modified convention system is being earnestly discussed in many States to circumvent the further ingenuity of the boss.

A further step towards the state control of parties was taken when laws began to busy themselves with the conduct of the campaign. Corrupt Practices Acts began to assume bulk in the early nineties, to limit the expenditure of candidates, and to enumerate the objects for which campaign committees might legitimately spend money. These are usually personal traveling expenses of the candidates, rental of rooms for committees and halls for meetings, payment of musicians and speakers and their traveling expenses, printing campaign material, postage for distribution of letters, newspapers and printed matter, telephone and telegraph charges, political advertising, employing challengers at the polls, necessary clerk hire, and conveyances for bringing aged or infirm voters to the polls. The maximum amount that can be spent by candidates is fixed, and they are required to make under oath a detailed statement of their expenses in both primary and general elections. The various committees, also, must make detailed reports of the funds they handle, the amount, the contributors, and the expenditures. Corporations are forbidden to contribute, and the amount that candidates themselves may give is limited in many States. These exactions are reinforced by strin-

gent laws against bribery. Persons found guilty of either receiving or soliciting a bribe are generally disfranchised or declared ineligible for public office for a term of years. Illinois, for the second offense, forever disfranchises.

It is not surprising that these restrictions have led the State to face the question whether it should not itself bear some of the expenses of the campaign. It has, of course, already assumed an enormous burden formerly borne entirely by the party. The cost of primary and general elections nowadays is tremendous. A few Western States print a campaign pamphlet and distribute it to every voter. The pamphlet contains usually the photographs of the candidates, a brief biography, and a statement of principles.

These are the principal encroachments made by the Government upon the autonomy of the party. The details are endless. The election laws of New York fill 330 printed pages. It is little wonder that American parties are beginning to study the organization of European parties, such as the labor parties and the social democratic parties, which have enlisted a rather fervent party fealty. These are propagandist parties and require to be active all the year round. So they demand annual dues

of their members and have permanent salaried officials and official party organs. Such a permanent organization was suggested for the National Progressive party. But the early disintegration of the party made impossible what would have been an interesting experiment. After the election of 1916, Governor Whitman of New York suggested that the Republican party choose a manager and pay him \$10,000 a year and have a lien on all his time and energy. The plan was widely discussed and its severest critics were the politicians who would suffer from it. The wide-spread comment with which it was received revealed the change that has come over the popular idea of a political party since the State began forty years ago to bring the party under its control.

But flexibility is absolutely essential to a party system that adequately serves a growing democracy. And under a two-party system, as ours is probably bound to remain, the independent voter usually holds the balance of power. He may be merely a disgruntled voter seeking for revenge, or an overpleased voter seeking to maintain a profitable *status quo*, or he may belong to that class of super-citizens from which mugwumps arise. In any case, the majorities at elections are usually

determined by him. And party orthodoxy made by the State is almost as distasteful to him as the rigor of the boss. He relishes neither the one nor the other.

In the larger cities the citizens' tickets and fusion movements are types of independent activities. In some cities they are merely temporary associations, formed for a single, thorough house-cleaning. The Philadelphia Committee of One Hundred, which was organized in 1880 to fight the Gas Ring, is an example. It issued a Declaration of Principles, demanding the promotion of public service rather than private greed, and the prosecution of "those who have been guilty of election frauds, maladministration of office, or misappropriation of public funds." Announcing that it would endorse only candidates who signed this declaration, the committee supported the Democratic candidates, and nominated for Receiver of Taxes a candidate of its own, who became also the Democratic nominee when the regular Democratic candidate withdrew. Philadelphia was overwhelmingly Republican. But the committee's aid was powerful enough to elect the Democratic candidate for mayor by 6000 majority and the independent candidate for Receiver of Taxes by 20,000.

This gave the Committee access to the records of the doings of the Gas Ring. In 1884, however, the candidate which it endorsed was defeated, and it disbanded.

Similar in experience was the famous New York Committee of Seventy, organized in 1894 after Dr. Parkhurst's lurid disclosures of police connivance with every degrading vice. A call was issued by thirty-three well-known citizens for a non-partizan mass meeting, and at this meeting a committee of seventy was appointed "with full power to confer with other anti-Tammany organizations, and to take such actions as may be necessary to further the objects of this meeting as set forth in the call therefor, and the address adopted by this meeting." The committee adopted a platform, appointed an executive and a finance committee, and nominated a full ticket, distributing the candidates among both parties. All other anti-Tammany organizations endorsed this ticket, and it was elected by large majorities. The committee dissolved after having secured certain charter amendments for the city and seeing its roster of officers inaugurated.

The Municipal Voters' League of Chicago is an important example of the permanent type of

citizens' organization. The league is composed of voters in every ward, who, acting through committees and alert officers, scrutinize every candidate for city office from the Mayor down. It does not aim to nominate a ticket of its own, but to exercise such vigilance, enforced by so effective an organization and such wide-reaching publicity, that the various parties will, of their own volition, nominate men whom the league can endorse. By thus putting on the hydraulic pressure of organized public opinion, it has had a considerable influence on the parties and a very stimulating effect on the citizenry.

Finally, there has developed in recent years the fusion movement, whereby the opponents of boss rule in all parties unite and back an independent or municipal ticket. The election of Mayor Mitchel of New York in 1913 was thus accomplished. In Milwaukee, a fusion has been successful against the Socialists. And in many lesser cities this has brought at least temporary relief from the oppression of the local oligarchy.

CHAPTER XI

THE EXPERT AT LAST

THE administrative weakness of a democracy, namely, the tendency towards a government by job-hunters, was disclosed even in the early days of the United States, when the official machinery was simple and the number of offices few. Washington at once foresaw both the difficulties and the duties that the appointing power imposed. Soon after his inauguration he wrote to Rutledge: "I anticipate that one of the most difficult and delicate parts of the duty of any office will be that which relates to nominations for appointments." And he was most scrupulous and painstaking in his appointments. Fitness for duty was paramount with him, though he recognized geographical necessity and distributed the offices with that precision which characterized all his acts.

John Adams made very few appointments. After his term had expired, he wrote: "Washington

appointed a multitude of Democrats and Jacobins of the deepest die. I have been more cautious in this respect."

The test of partizan loyalty, however, was not applied generally until after the election of Jefferson. The ludicrous apprehensions of the Federalists as to what would follow upon his election were not allayed by his declared intentions. "I have given," he wrote to Monroe, "and will give only to Republicans under existing circumstances." Jefferson was too good a politician to overlook his opportunity to annihilate the Federalists. He hoped to absorb them in his own party, "to unite the names of Federalists and Republicans." Moderate Federalists, who possessed sufficient gifts of grace for conversion, he sedulously nursed. But he removed all officers for whose removal any special reason could be discovered. The "midnight appointments" of John Adams he refused to acknowledge, and he paid no heed to John Marshall's dicta in *Marbury versus Madison*. He was zealous in discovering plausible excuses for making vacancies. The *New York Evening Post* described him as "gazing round, with wild anxiety furiously inquiring, 'how are vacancies to be obtained?'"

Directly and indirectly, Jefferson effected, during his first term, 164 changes in the offices at his disposal, a large number for those days. This he did so craftily, with such delicate regard for geographical sensitiveness and with such a nice balance between fitness for office and the desire for office, that by the end of his second term he had not only consolidated our first disciplined and eager political party, but had quieted the storm against his policy of partizan proscription.

During the long régime of the Jeffersonian Republicans there were three significant movements. In January, 1811, Nathaniel Macon introduced his amendment to the Constitution providing that no member of Congress should receive a civil appointment "under the authority of the United States until the expiration of the presidential term in which such person shall have served as senator or representative." An amendment was offered by Josiah Quincy, making ineligible to appointment the relations by blood or marriage of any senator or representative. Nepotism was considered the curse of the civil service, and for twenty years similar amendments were discussed at almost every session of Congress. John Quincy Adams said that half of the members

wanted office, and the other half wanted office for their relatives.

In 1820 the Four Years' Act substituted a four-year tenure of office, in place of a term at the pleasure of the President, for most of the federal appointments. The principal argument urged in favor of the law was that unsatisfactory civil servants could easily be dropped without reflection on their character. Defalcations had been discovered to the amount of nearly a million dollars, due mainly to carelessness and gross inefficiency. It was further argued that any efficient incumbent need not be disquieted, for he would be re-appointed. The law, however, fulfilled Jefferson's prophecy: it kept "in constant excitement all the hungry cormorants for office."

What Jefferson began, Jackson consummated. The stage was now set for Democracy. Public office had been marshaled as a force in party maneuver. In his first annual message, Jackson announced his philosophy:

There are perhaps few men who can for any great length of time enjoy office and power without being more or less under the influence of feelings unfavorable to the faithful discharge of their public duties. . . . Office is considered as a species of property, and gov-

ernment rather as a means of promoting individual interests than as an instrument created solely for the service of the people. Corruption in some, and in others a perversion of correct feelings and principles, divert government from its legitimate ends and make it an engine for the support of the few at the expense of the many. The duties of all public offices are, or at least admit of being made, so plain, so simple that men of intelligence may readily qualify themselves for their performance. . . . In a country where offices are created solely for the benefit of the people, no one man has any more intrinsic right to official station than another.

The Senate refused Jackson's request for an extension of the Four Years' law to cover all positions in the civil service. It also refused to confirm some of his appointments, notably that of Van Buren as minister to Great Britain. The debate upon this appointment gave the spoilsman an epigram. Clay with directness pointed to Van Buren as the introducer "of the odious system of proscription for the exercise of the elective franchise in the government of the United States." He continued: "I understand it is the system on which the party in his own State, of which he is the reputed head, constantly acts. He was among the first of the secretaries to apply that system to the dismissal of clerks of his department . . .

known to me to be highly meritorious . . . It is a detestable system."

And Webster thundered: "I pronounce my rebuke as solemnly and as decisively as I can upon this first instance in which an American minister has been sent abroad as the representative of his party and not as the representative of his country."

To these and other challenges, Senator Marcy of New York made his well-remembered retort that "the politicians of the United States are not so fastidious. . . . They see nothing wrong in the rule that to the victor belong the spoils of the enemy."

Jackson, with all his bluster and the noise of his followers, made his proscriptions relatively fewer than those of Jefferson. He removed only 252 of about 612 presidential appointees.¹ It should, however, be remembered that those who were not removed had assured Jackson's agents of their loyalty to the new Democracy.

If Jackson did not inaugurate the spoils system, he at least gave it a mission. It was to save the country from the curse of officialdom. His suc-

¹ This does not include deputy postmasters, who numbered about 8000 and were not placed in the presidential list until 1836.

cessor, Van Buren, brought the system to a perfection that only the experienced politician could achieve. Van Buren required of all appointees partizan service; and his own nomination, at Baltimore, was made a foregone conclusion by the host of federal job-holders who were delegates. Van Buren simply introduced at Washington the methods of the Albany Regency.

The Whigs blustered bravely against this proscription. But their own President, General Harrison, "Old Tippecanoe," was helpless against the saturnalia of office-seekers that engulfed him. Harrison, when he came to power, removed about one-half of the officials in the service. And, although the partizan color of the President changed with Harrison's death, after a few weeks in office, — Tyler was merely a Whig of convenience — there was no change in the President's attitude towards the spoils system.

Presidential inaugurations became orgies of office-seekers, and the first weeks of every new term were given over to distributing the jobs, ordinary business having to wait. President Polk, who removed the usual quota, is complimented by Webster for making "rather good selections from his own friends." The practice, now firmly es-

tablished, was continued by Taylor, Pierce, and Buchanan.

Lincoln found himself surrounded by circumstances that made caution necessary in every appointment. His party was new and composed of many diverse elements. He had to transform their jealousies into enthusiasm, for the approach of civil war demanded supreme loyalty and unity of action. To this greater cause of saving the Union he bent every effort and used every instrumentality at his command. No one before him had made so complete a change in the official personnel of the capital as the change which he was constrained to make. No one before him or since used the appointing power with such consummate skill or displayed such rare tact and knowledge of human nature in seeking the advice of those who deemed their advice valuable. The war greatly increased the number of appointments, and it also imposed obligations that made merit sometimes a secondary consideration. With the statesman's vision, Lincoln recognized both the use and the abuse of the patronage system. He declined to gratify the office-seekers who thronged the capital at the beginning of his second term; and they returned home disappointed.

The twenty years following the Civil War were years of agitation for reform. People were at last recognizing the folly of using the multiplying public offices for party spoils. The quarrel between Congress and President Johnson over removals, and the Tenure of Office Act, focused popular attention on the constitutional question of appointment and removal, and the recklessness of the political manager during Grant's two terms disgusted the thoughtful citizen.

The first attempts to apply efficiency to the civil service had been made when pass examinations were used for sifting candidates for clerkships in the Treasury Department in 1853, when such tests were prescribed by law for the lowest grade of clerkships. The head of the department was given complete control over the examinations, and they were not exacting. In 1864 Senator Sumner introduced a bill "to provide for the greater efficiency of the civil service." It was considered chimerical and dropped.

Meanwhile, a steadfast and able champion of reform appeared in the House, Thomas A. Jenckes, a prominent lawyer of Rhode Island. A bill which he introduced in December, 1865, received no hearing. But in the following year a select

joint committee was charged to examine the whole question of appointments, dismissals, and patronage. Mr. Jenckes presented an elaborate report in May, 1868, explaining the civil service of other countries. This report, which is the corner stone of American civil service reform, provided the material for congressional debate and threw the whole subject into the public arena. Jenckes in the House and Carl Schurz in the Senate saw to it that ardent and convincing defense of reform was not wanting. In compliance with President Grant's request for a law to "govern not the tenure, but the manner of making all appointments," a rider was attached to the appropriation bill in 1870, asking the President "to prescribe such rules and regulations" as he saw fit, and "to employ suitable persons to conduct" inquiries into the best method for admitting persons into the civil service. A commission of which George William Curtis was chairman made recommendations, but they were not adopted and Curtis resigned. The New York Civil Service Reform Association was organized in 1877; and the National League, organized in 1881, soon had flourishing branches in most of the large cities. The battle was largely between the President and Congress.

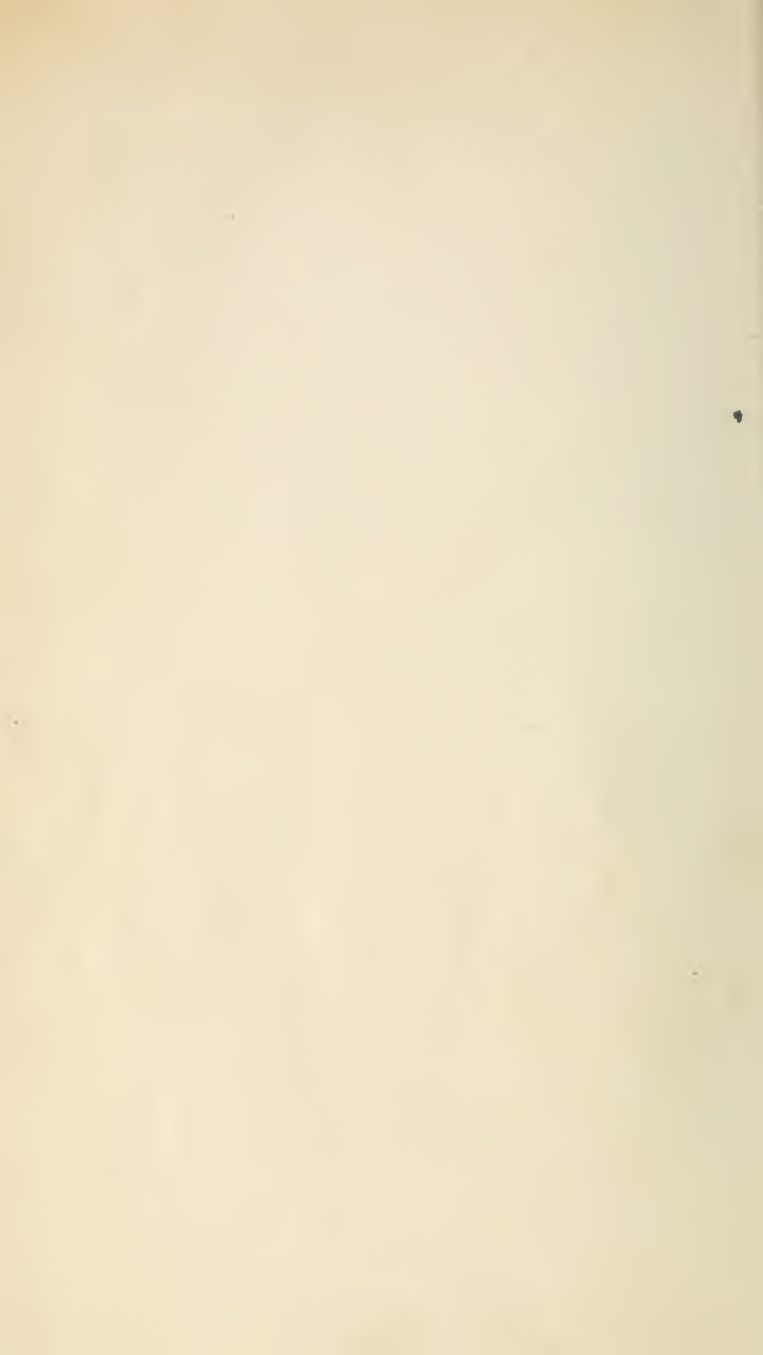
Each succeeding President signified his adherence to reform, but neutralized his words by sanctioning vast changes in the service. Finally, under circumstances already described, on January 16, 1883, the Civil Service Act was passed.

This law had a stimulating effect upon state and municipal civil service. New York passed a law the same year, patterned after the federal act. Massachusetts followed in 1884, and within a few years many of the States had adopted some sort of civil service reform, and the large cities were experimenting with the merit system. It was not, however, until the rapid expansion of the functions of government and the consequent transformation in the nature of public duties that civil service reform made notable headway. When the Government assumed the duties of health officer, forester, statistician, and numerous other highly specialized functions, the presence of the scientific expert became imperative; and vast undertakings, like the building of the Panama Canal and the enormous irrigation projects of the West, could not be entrusted to the spoilsman and his minions.

The war has accustomed us to the commandeering of utilities, of science, and of skill upon a colossal scale. From this height of public devotion it is

improbable that we shall decline, after the national peril has passed, into the depths of administrative incompetency which our Republic, and all its parts, occupied for so many years. The need for an efficient and highly complex State has been driven home to the consciousness of the average citizen. And this foretokens the permanent enlistment of talent in the public service to the end that democracy may provide that effective nationalism imposed by the new era of world competition.





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PART II
THE CLEVELAND ERA
A CHRONICLE
OF THE NEW ORDER IN POLITICS
BY
HENRY JONES FORD

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THE CLEVELAND ERA

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CHAPTER I

A TRANSITION PERIOD

POLITICIANS at Washington very generally failed to realize that the advent of President Hayes marked the dismissal of the issues of war and reconstruction. They regarded as an episode what turned out to be the close of an era. They saw, indeed, that public interest in the old issues had waned, but they were confident that this lack of interest was transient. They admitted that the emotional fervor excited by the war and by the issues of human right involved in its results was somewhat damped, but they believed that the settlement of those issues was still so incomplete that public interest would surely rekindle. For many years the ruling thought of the Republican party leaders was to be watchful of any opportunity to ply the bellows on

the embers. Besides genuine concern over the way in which the negroes had been divested of political privileges conferred by national legislation, the Republicans felt a tingling sense of party injury.

The most eminent party leaders at this time — both standing high as presidential possibilities — were James G. Blaine and John Sherman. In a magazine article published in 1880 Mr. Blaine wrote: “As the matter stands, all violence in the South inures to the benefit of one political party. . . . Our institutions have been tried by the fiery test of war, and have survived. It remains to be seen whether the attempt to govern the country by the power of a ‘solid South,’ unlawfully consolidated, can be successful. . . . The republic must be strong enough, and shall be strong enough, to protect the weakest of its citizens in all their rights.” And so late as 1884, Mr. Sherman earnestly contended for the principle of national intervention in the conduct of state elections. “The war,” he said, “emancipated and made citizens of five million people who had been slaves. This was a national act and whether wisely or imprudently done it must be respected by the people of all the States. If sought to be reversed in any degree by the people of any locality it is the duty of the national

government to make their act respected by all its citizens."

Republican party platforms reiterated such opinions long after their practical futility had become manifest. Indeed, it was a matter of common knowledge that negro suffrage had been undone by force and fraud; hardly more than a perfunctory denial of the fact was ever made in Congress, and meanwhile it was a source of jest and anecdote among members of all parties behind the scenes. Republican members were bantered by Democratic colleagues upon the way in which provision for Republican party advantage in the South had actually given to the Democratic party a solid block of sure electoral votes. The time at last came when a Southern Senator, Benjamin Tillman of South Carolina, blurted out in the open what had for years been common talk in private. "We took the government away," he asserted. "We stuffed ballot boxes. We shot them. We are not ashamed of it. . . . With that system — force, tissue ballots, etc. — we got tired ourselves. So we called a constitutional convention, and we eliminated, as I said, all of the colored people we could under the fourteenth and fifteenth amendments. . . . The brotherhood of man

exists no longer, because you shoot negroes in Illinois, when they come in competition with your labor, and we shoot them in South Carolina, when they come in competition with us in the matter of elections.”

Such a miscarriage of Republican policy was long a bitter grievance to the leaders of the party and incited them to action. If they could have had their desire, they would have used stringent means to remedy the situation. Measures to enforce the political rights of the freedmen were frequently agitated, but every force bill which was presented had to encounter a deep and pervasive opposition not confined by party lines but manifested even within the Republican party itself. Party platforms insisted upon the issue, but public opinion steadily disregarded it. Apparently a fine opportunity to redress this grievance was afforded by the election of President Harrison in 1888 upon a platform declaring that the national power of the Democratic party was due to “the suppression of the ballot by a criminal nullification of the Constitution and laws of the United States,” and demanding “effective legislation to secure integrity and purity of elections.” But, although they were victorious at the polls that year, the Republican

leaders were unable to embody in legislation the ideal proposed in their platform. Of the causes of this failure, George F. Hoar gives an instructive account in his *Autobiography*. As chairman of the Senate committee on privileges and elections he was in a position to know all the details of the legislative attempts, the failure of which compelled the Republican leaders to acquiesce in the decision of public opinion against the old issues and in favor of new issues.

Senator Hoar relates that he made careful preparation of a bill for holding, under national authority, separate registrations and elections for members of Congress. But when he consulted his party associates in the Senate he found most of them averse to an arrangement which would double the cost of elections and would require citizens to register at different times for federal elections and for state and municipal elections. Senator Hoar thereupon abandoned that bill and prepared another which provided that, upon application to court showing reasonable grounds, the court should appoint officers from both parties to supervise the election. The bill adopted a feature of electoral procedure which in England has had a salutary effect. It was provided that in case of a dispute

concerning an election certificate, the circuit court of the United States in which the district was situated should hear the case and should award a certificate entitling the one or other of the contestants to be placed on the clerk's roll and to serve until the House should act on the case. Mr. Hoar stated that the bill "deeply excited the whole country," and went on to say that "some worthy Republican senators became alarmed. They thought, with a good deal of reason, that it was better to allow existing evils and conditions to be cured by time, and the returning conscience and good sense of the people, rather than have the strife, the result of which must be quite doubtful, which the enactment and enforcement of this law, however moderate and just, would inevitably create." The existence of this attitude of mind made party advocacy of the bill a hopeless undertaking and, though it was favorably reported on August 7, 1890, no further action was taken during that session. At the December session it was taken up for consideration, but after a few days of debate a motion to lay it aside was carried by the Democrats with the assistance of enough Republicans to give them a majority. This was the end of force bills, and during President Cleveland's second term the few remaining

statutes giving authority for federal interference in such matters were repealed under the lead of Senator Hill of New York. With the passage of this act, the Republican party leaders for the first time abandoned all purpose of attempting to secure by national legislation the political privileges of the negroes. This determination was announced in the Senate by Mr. Hoar and was assented to by Senator Chandler of New Hampshire, who had been a zealous champion of federal action. According to Mr. Hoar, "no Republican has dissented from it."

The facts upon which the force bill was based were so notorious and the bill itself was so moderate in its character that the general indifference of the public seemed to betray moral insensibility and emotional torpor. Much could be said in favor of the bill. This latest assertion of national authority in federal elections involved no new principle. In legalistic complexion the proposed measure was of the same character as previous legislation dealing with this subject, instances of which are the Act of 1842, requiring the election of members of the House by districts, and the Act of 1866, regulating the election of United States Senators. Fraudulent returns in congressional elections have

always been a notorious evil, and the partisan way in which they are passed upon is still a gross blemish upon the constitutional system of the United States, and one which is likely never to be removed until the principle of judicial determination of electoral contests has been adopted in this country as it has been in England. The truth of the matter appears to be that the public paid no attention to the merits of the bill. It was viewed simply as a continuation of the radical reconstruction policy, the practical results of which had become intolerable. However great the actual evils of the situation might be, public opinion held that it would be wiser to leave them to be dealt with by state authority than by such incompetent statesmanship as had been common in Washington. Moreover, the man in the street resented the indifference of politicians to all issues save those derived from the Civil War.

Viscount Bryce in his *American Commonwealth*, the most complete and penetrating examination of American political conditions written during this period, gives this account of the party situation:

The great parties are the Republicans and the Democrats. What are their principles, their distinctive tenets, their tendencies? Which of them is for tariff

reform, for the further extension of civil service reform, for a spirited foreign policy, for the regulation of railroads and telegraphs by legislation, for changes in the currency, for any other of the twenty issues which one hears discussed in this country as seriously involving its welfare? This is what a European is always asking of intelligent Republicans and intelligent Democrats. He is always asking because he never gets an answer. The replies leave him deeper in perplexity. After some months the truth begins to dawn upon him. Neither party has, as a party, anything definite to say on these issues; neither party has any clean-cut principles, any distinctive tenets. Both have traditions. Both claim to have tendencies. Both certainly have war cries, organizations, interests, enlisted in their support. But those interests are in the main the interests of getting or keeping the patronage of the government. Tenets and policies, points of political doctrine and points of political practice have all but vanished. They have not been thrown away, but have been stripped away by time and the progress of events, fulfilling some policies, blotting out others. All has been lost, except office or the hope of it.

That such a situation could actually exist in the face of public disapproval is a demonstration of the defects of Congress as an organ of national representation. Normally, a representative assembly is a school of statesmanship which is drawn upon for filling the great posts of administration. Not only is this the case under the parliamentary

system in vogue in England, but it is equally the case in Switzerland whose constitution agrees with that of the United States in forbidding members of Congress to hold executive office. But somehow the American Congress fails to produce capable statesmen. It attracts politicians who display affability, shrewdness, dexterity, and eloquence, but who are lacking in discernment of public needs and in ability to provide for them, so that power and opportunity are often associated with gross political incompetency.¹ The solutions of the great political problems of the United States are accomplished by transferring to Washington men like Hayes and Cleveland whose political experience has been gained in other fields.

The system of congressional government was subjected to some scrutiny in 1880-81 through the efforts of Senator George H. Pendleton of Ohio, an old statesman who had returned to public life after long absence. He had been prominent in the Democratic party before the war and in 1864 he

¹ Of this regrettable fact the whole history of emancipation is a monument. The contrast between the social consequences of emancipation in the West Indies, as guided by British statesmanship, under conditions of meager industrial opportunity, and the social consequences of emancipation in the United States, affords an instructive example of the complicated evils which a nation may experience through the sheer incapacity of its government.

was the party candidate for Vice-President. In 1868 he was the leading candidate for the presidential nomination on a number of ballots but he was defeated. In 1869 he was a candidate for Governor of Ohio but was defeated, and he then retired from public life until 1879 when he was elected to the United States Senate. As a member of that body he devoted himself to the betterment of political conditions. His efforts in this direction were facilitated not only by his wide political experience but also by the tact and urbanity of his manners, which had gained for him in Ohio politics the nickname of "Gentleman George."

In agreement with opinions long previously expressed in Story's *Commentaries*, Senator Pendleton attributed the inefficiency of national government to the sharp separation of Congress from the Administration — a separation not required by the Constitution but made by Congress itself and subject to change at its discretion. He proposed to admit the heads of executive departments to participation in the proceedings of Congress. "This system," said he, "will require the selection of the strongest men to be heads of departments, and will require them to be well equipped with the knowledge of their offices. It will also require the strongest

men to be the leaders of Congress and participate in the debate. It will bring those strong men in contact, perhaps into conflict, to advance the public weal, and thus stimulate their abilities and their efforts, and will thus assuredly result to the good of the country.”¹ The report — signed by such party leaders as Allison, Blaine, and Ingalls among the Republicans, and by Pendleton and Voorhees among the Democrats — reviewed the history of relations between the executive and legislative branches and closed with the expression of the unanimous belief of the committee that the adoption of the measure “will be the first step towards a sound civil service reform, which will secure a larger wisdom in the adoption of policies, and a better system in their execution.”

No action was taken on this proposal, notwithstanding the favor with which it was regarded by many close students of the political institutions of the country. Public opinion, preoccupied with more specific issues, seemed indifferent to a reform that aimed simply at general improvement in governmental machinery. The legislative calendars are always so heaped with projects that to reach

¹ *Senate Report*, No. 837, 46th Congress, 3d Session, February 4, 1881.

and act upon any particular measure is impossible except when there is brought to bear such energetic pressure as to produce special arrangements for the purpose, and in this case no such pressure was developed. A companion measure for civil service reform which was proposed by Senator Pendleton long remained in a worse situation, for it was not merely left under the congressional midden heap but was deliberately buried by politicians who were determined that it should never emerge. That it did emerge is due to a tragedy which aroused public opinion to an extent that intimidated Congress.

Want of genuine political principles made factional spirit only the more violent and depraved. So long as power and opportunity were based not upon public confidence but upon mere advantage of position, the contention of party leaders turned upon questions of appointment to office and the control of party machinery. The Republican national convention of 1880 was the scene of a factional struggle which left deep marks upon public life and caused divisions lasting until the party leaders of that period were removed from the scene. In September, 1879, General Grant landed in San Francisco, after a tour around the world occupying over two years, and as he passed through the

country he was received with a warmth which showed that popular devotion was abounding. A movement in favor of renominating him to the Presidency was started under the direction of Senator Roscoe Conkling of New York. Grant's renown as the greatest military leader of the Civil War was not his only asset in the eyes of his supporters. In his career as President he had shown on occasion independence and steadfastness of character. He stayed the greenback movement by his veto after eminent party leaders had yielded to it. He had endeavored to introduce civil service reform and, although his measures had been frustrated by the refusal of Congress to vote the necessary appropriations, his tenacity of purpose was such that it could scarcely be doubted that with renewed opportunity he would resume his efforts. The scandals which blemished the conduct of public affairs during his administration could not be attributed to any lack of personal honesty on his part. Grant went out of the presidential office poorer than when he entered it. Since then his views had been broadened by travel and by observation, and it was a reasonable supposition that he was now better qualified than ever before for the duties of the presidential office. He was only fifty-eight, an

age much below that at which an active career should be expected to close, and certainly an age at which European statesmen are commonly thought to possess unabated powers. In opposition to him was a tradition peculiar to American politics though unsupported by any provision of the Constitution, according to which no one should be elected President for more than two terms. It may be questioned whether this tradition does not owe its strength more to the ambition of politicians than to sincere conviction on the part of the people.¹

So strong was the movement in favor of General Grant as President that the united strength of the other candidates had difficulty in staying the boom, which, indeed, might have been successful but for the arrogant methods and tactical blunders of Senator Conkling. When three of the delegates voted against a resolution binding all to support the nominee whoever that nominee might be, he offered

¹ The reasoning of *The Federalist* in favor of continued reëligibility is cogent in itself and is supported by the experience of other countries, for it shows that custody of power may remain in the same hands for long periods without detriment and without occasioning any difficulty in terminating that custody when public confidence is withdrawn. American sensitiveness on this point would seem to impute to the Constitution a frailty that gives it a low rating among forms of government. As better means are provided for enforcing administrative responsibility, the popular dislike of third terms will doubtless disappear.

a resolution that those who had voted in the negative "do not deserve and have forfeited their votes in this convention." The feeling excited by this condemnatory motion was so strong that Conkling was obliged to withdraw it. He also made a contest in behalf of the unit rule but was defeated, as the convention decided that every delegate should have the right to have his vote counted as he individually desired. Notwithstanding these defeats of the chief manager of the movement in his favor, Grant was the leading candidate with 304 votes on the first ballot, James G. Blaine standing second with 284. This was the highest point in the balloting, reached by Blaine, while the Grant vote made slight gains. Besides Grant and Blaine, four other candidates were in the field, and the convention drifted into a deadlock which under ordinary circumstances would have probably been dissolved by shifts of support to Grant. But in the preliminary disputes a very favorable impression had been made upon the convention by General Garfield, who was not himself a candidate but was supporting the candidacy of John Sherman, who stood third in the poll. On the twenty-eighth ballot two votes were cast for Garfield although he protested that he was not a candidate and was pledged

to Sherman. But it became apparent that no concentration could be effected on any other candidate to prevent the nomination of Grant, and votes now turned to Garfield so rapidly that on the thirty-sixth ballot he received 399, a clear majority of the whole. The adherents of Grant stuck to him to the end, polling 306 votes on the last ballot and subsequently deporting themselves as those who had made a proud record of constancy.

The Democratic national convention nominated General Hancock, which was in effect an appeal to the memories and sentiments of the past, as their candidate's public distinction rested upon his war record. The canvass was marked by listlessness and indifference on the part of the general public and by a fury of calumny on the part of the politicians directed against their opponents. Forgery was resorted to with marked effect on the Pacific coast, where a letter — the famous Morey letter — in which Garfield's handwriting was counterfeited, was circulated expressing unpopular views on the subject of Chinese immigration. The forgery was issued in the closing days of the canvass, when there was not time to expose it. Arrangements had been made for a wide distribution of facsimiles which exerted a strong influence. Hancock

won five out of the six electoral votes of California and came near getting the three votes of Oregon also. In the popular vote of the whole country Garfield had a plurality of less than ten thousand in a total vote of over nine million.

The peculiarities of the party system which has been developed in American politics forces upon the President the occupation of employment agent as one of his principal engagements. The contention over official patronage, always strong and ardent upon the accession of every new President, was aggravated in Garfield's case by the factional war of which his own nomination was a phase. The factions of the Republican party in New York at this period were known as the "Stalwarts" and the "Half-Breeds," the former adhering to the leadership of Senator Conkling, the latter to the leadership of Mr. Blaine, whom President Garfield had appointed to be his Secretary of State. Soon after the inauguration of Garfield it became manifest that he would favor the "Half-Breeds"; but under the Constitution appointments are made by and with the advice and consent of the Senate and both the Senators from New York were "Stalwarts." Although the Constitution contemplates the action of the entire Senate as the advisory body in matters

of appointment, a practice had been established by which the Senators from each State were accorded the right to dictate appointments in their respective States. According to Senator Hoar, when he entered public life in 1869, "the Senate claimed almost the entire control of the executive function of appointment to office. . . . What was called 'the courtesy of the Senate' was depended upon to enable a Senator to dictate to the executive all appointments and removals in his territory." This practice was at its greatest height when President Garfield challenged the system, and he let it be understood that he would insist upon his constitutional right to make nominations at his own discretion. When Senator Conkling obtained from a caucus of his Republican colleagues an expression of sympathy with his position, the President let it be known that he regarded such action as an affront and he withdrew all New York nominations except those to which exception had been taken by the New York Senators, thus confronting the Senate with the issue whether they would stand by the new Administration or would follow Conkling's lead.

On the other hand, Senator Conkling and his adherents declared the issue to be simply whether

competent public officials should be removed to make room for factional favorites. This view of the case was adopted by Vice-President Arthur and by Postmaster-General James of Garfield's own Cabinet, who, with New York Senators Conkling and Platt, signed a remonstrance in which they declared that in their belief the interests of the public service would not be promoted by the changes proposed. These changes were thus described in a letter of May 14, 1881, from the New York Senators to Governor Cornell of New York:

Some weeks ago the President sent to the Senate in a group the nominations of several persons for public offices already filled. One of these offices is the Collectorship of the Port of New York, now held by General Merritt, another is the consul generalship at London, now held by General Badeau, another is *Chargé d'Affaires* to Denmark, held by Mr. Cramer; another is the mission to Switzerland, held by Mr. Fish, a son of the former Secretary of State. . . . It was proposed to displace them all, not for any alleged fault of theirs, or for any alleged need or advantage of the public service, but in order to give the great offices of Collector of the Port of New York to Mr. William H. Robertson as a "reward" for certain acts of his, said to have aided in making the nomination of General Garfield possible. . . . We have not attempted to "dictate," nor have we asked the nomination of one person to any office in the State.

Except in the case of their remonstrance against the Robertson appointment, they had "never even expressed an opinion to the President in any case unless questioned in regard to it." Along with this statement the New York Senators transmitted their resignations, saying "we hold it respectful and becoming to make room for those who may correct all the errors we have made, and interpret aright all the duties we have misconceived."

The New York Legislature was then in session. Conkling and Platt offered themselves as candidates for reëlection, and a protracted factional struggle ensued, in the course of which the nation was shocked by the news that President Garfield had been assassinated by a disappointed office seeker in a Washington railway station on July 2, 1881. The President died from the effects of the wound on the 19th of September. Meanwhile the contest in the New York Legislature continued until the 22d of July when the deadlock was broken by the election of Warner Miller and Elbridge G. Lapham to fill the vacancies.

The deep disgust with which the nation regarded this factional war and the horror inspired by the assassination of President Garfield produced a revulsion of public opinion in favor of civil service

reform so energetic as to overcome congressional antipathy. Senator Pendleton's bill to introduce the merit system, which had been pending for nearly two years, was passed by the Senate on December 27, 1882, and by the House on January 4, 1883. The importance of the act lay in its recognition of the principles of the reform and in its provision of means by which the President could apply those principles. A Civil Service Commission was created, and the President was authorized to classify the Civil Service and to provide selection by competitive examination for all appointments to the service thus classified. The law was essentially an enabling act, and its practical efficacy was contingent upon executive discretion.



CHAPTER II

POLITICAL GROPING AND PARTY FLUCTUATION

PRESIDENT GARFIELD'S career was cut short so soon after his accession to office that he had no opportunity of showing whether he had the will and the power to obtain action for the redress of public grievances which the congressional factions were disposed to ignore. His experience and his attainments were such as should have qualified him for the task, and in his public life he had shown firmness of character. His courageous opposition to the greenback movement in Ohio had been of great service to the nation in maintaining the standard of value. When a party convention in his district passed resolutions in favor of paying interest on the bonds with paper instead of coin, he gave a rare instance of political intrepidity by declaring that he would not accept the nomination on such a platform. It was the deliberate opinion of Senator Hoar, who knew Garfield intimately, that

“next to the assassination of Lincoln, his death was the greatest national misfortune ever caused to this country by the loss of a single life.”

The lingering illness of President Garfield raised a serious question about presidential authority which is still unsettled. For over two months before he died he was unable to attend to any duties of office. The Constitution provides that “in case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President.” What is the practical significance of the term “inability”? If it should be accepted in its ordinary meaning, a prostrating illness would be regarded as sufficient reason for allowing the Vice-President to assume presidential responsibility. Though there was much quiet discussion of the problem, no attempt was made to press a decision. After Garfield died, President Arthur, on succeeding to the office, took up the matter in his first annual message, putting a number of queries as to the actual significance of the language of the Constitution — queries which have yet to be answered. The rights and duties of the Vice-President in this particular are dangerously vague. The situation is

complicated by a peculiarity of the electoral system. In theory, by electing a President the nation expresses its will respecting public policy; but in practice the candidate for President may be an exponent of one school of opinion and the candidate for Vice-President may represent another view. It is impossible for a voter to discriminate between the two; he cannot vote for the candidate for President without voting for the candidate for Vice-President, since he does not vote directly for the candidates themselves but for the party electors who are pledged to the entire party ticket. Party conventions take advantage of this disability on the part of the voter to work an electioneering device known as a "straddle," the aim of which is to please opposite interests by giving each a place on the ticket. After Garfield was nominated, the attempt was made to placate the defeated faction by nominating one of its adherents for Vice-President, and now that nominee unexpectedly became the President of the United States, with power to reverse the policy of his predecessor.

In one important matter there was in fact an abrupt reversal of policy. The independent countries of North and South America had been invited to participate in a general congress to be held in

Washington, November 24, 1882. James Gillespie Blaine, who was then Secretary of State, had applied himself with earnestness and vigor to this undertaking which might have produced valuable results. It was a movement towards closer relations between American countries, a purpose which has since become settled public policy and has been steadily promoted by the Government. With the inauguration of President Arthur, Blaine was succeeded by Frederick T. Frelinghuysen of New Jersey, who practically canceled the invitation to the proposed Congress some six weeks after it had been issued. On February 3, 1882, Blaine protested in an open letter to the President, and the affair occasioned sharp discussion. In his regular message to Congress in the following December the President offered excuses of an evasive character, pointing out that Congress had made no appropriation for expenses and declaring that he had thought it "fitting that the Executive should consult the representatives of the people before pursuing a line of policy somewhat novel in its character and far-reaching in its possible consequences."

In general, President Arthur behaved with a tact and prudence that improved his position in public esteem. It soon became manifest that, although

he had been Conkling's adherent, he was not his servitor. He conducted the routine business of the presidential office with dignity, and he displayed independence of character in his relations with Congress. But his powers were so limited by the conditions under which he had to act that to a large extent public interests had to drift along without direction and management. In some degree the situation resembled that which existed in the Holy Roman Empire, when a complicated legalism kept grinding away and pretentious forms of authority were maintained although meanwhile there was actual administrative impotence. Striking evidence of the existence of such a situation is found in President Arthur's messages to Congress.

In his message of December 6, 1881, the President mentioned the fact that in the West "a band of armed desperadoes known as 'Cowboys,' probably numbering fifty to one hundred men, have been engaged for months in committing acts of lawlessness and brutality which the local authorities have been unable to repress." He observed that "with every disposition to meet the exigencies of the case, I am embarrassed by lack of authority to deal with them effectually." The center of disturbance was in Arizona, and the punishment of

crime there was ordinarily the business of the local authorities. But even if they called for aid, said the President, "this Government would be powerless to render assistance," for the laws had been altered by Congress so that States but not Territories could demand the protection of the national Government against "domestic violence." He recommended legislation extending to the Territories "the protection which is accorded the States by the Constitution." On April 26, 1882, the President sent a special message to Congress on conditions in Arizona, announcing that "robbery, murder, and resistance to laws have become so common as to cease causing surprise, and that the people are greatly intimidated and losing confidence in the protection of the law." He also advised Congress that the "Cowboys" were making raids into Mexico, and again begged for legal authority to act. On the 3d of May, he issued a proclamation calling upon the outlaws "to disperse and retire peaceably to their respective abodes." In his regular annual message on December 4, 1882, he again called attention "to the prevalent lawlessness upon the borders, and to the necessity of legislation for its suppression."

Such vast agitation from the operations of a

band of ruffians, estimated at from fifty to one hundred in number and such floundering incapacity for prompt action by public authority seem more like events from a chronicle of the Middle Ages than from the public records of a modern nation. Of like tenor was a famous career which came to an end in this period. Jesse W. James, the son of a Baptist minister in Clay County, Missouri, for some years carried on a bandit business, specializing in the robbery of banks and railroad trains, with takings computed at \$263,778. As his friends and admirers were numerous, the elective sheriffs, prosecuting attorneys, and judges in the area of his activities were unable to stop him by any means within their reach. Meanwhile the frightened burghers of the small towns in his range of operations were clamoring for deliverance from his raids, and finally Governor Crittenden of Missouri offered a reward of \$10,000 for his capture dead or alive. Two members of his own band shot him down in his own house, April 3, 1882. They at once reported the deed and surrendered themselves to the police, were soon put on trial, pleaded guilty of murder, were sentenced to death, and were at once pardoned by the Governor. Meanwhile the funeral ceremonies over Jesse James's

remains drew a great concourse of people, and there were many indications of popular sympathy. Stories of his exploits have had an extensive sale, and his name has become a center of legend and ballad somewhat after the fashion of the medieval hero Robin Hood.

The legislative blundering which tied the President's hands and made the Government impotent to protect American citizens from desperadoes of the type of the "cowboys" and Jesse James is characteristic of Congress during this period. Another example of congressional muddling is found in an act which was passed for the better protection of ocean travel and which the President felt constrained to veto. In his veto message of July 1, 1882, the President said that he was entirely in accord with the purpose of the bill which related to matters urgently demanding legislative attention. But the bill was so drawn that in practice it would have caused great confusion in the clearing of vessels and would have led to an impossible situation. It was not the intention of the bill to do what the President found its language to require, and the defects were due simply to maladroitness in phrasing, which frequently occurs in congressional enactments, thereby giving support to the theory

of John Stuart Mill that a representative assembly is by its very nature unfit to prepare legislative measures.

The clumsy machinery of legislation kept bungling on, irresponsive to the principal needs and interests of the times. An ineffectual start was made on two subjects presenting simple issues on which there was an energetic pressure of popular sentiment — Chinese immigration and polygamy among the Mormons. Anti-Chinese legislation had to contend with a traditional sentiment in favor of maintaining the United States as an asylum for all peoples. But the demand from the workers of the Pacific slope for protection against Asiatic competition in the home labor market was so fierce and so determined that Congress yielded. President Arthur vetoed a bill prohibiting Chinese immigration as “a breach of our national faith,” but he admitted the need of legislation on the subject and finally approved a bill suspending immigration from China for a term of years. This was a beginning of legislation which eventually arrived at a policy of complete exclusion. The Mormon question was dealt with by the Act of March 22, 1882, imposing penalties upon the practice of polygamy and placing the conduct of elections in

the Territory of Utah under the supervision of a board of five persons appointed by the President. Though there were many prosecutions under this act, it proved so ineffectual in suppressing polygamy that it was eventually supplemented by giving the Government power to seize and administer the property of the Mormon Church. This action, resulting from the Act of March 3, 1887, created a momentous precedent. The escheated property was held by the Government until 1896 and meanwhile the Mormon Church submitted to the law and made a formal declaration that it had abandoned polygamy.

Another instance in which a lack of agreement between the executive and the legislative branches of the Government manifested itself arose out of a scheme which President Arthur recommended to Congress for the improvement of the waterways of the Mississippi and its tributaries. The response of Congress was a bill in which there was an appropriation of about \$4,000,000 for the general improvements recommended, but about \$14,000,000 were added for other special river and harbor schemes which had obtained congressional favor. President Arthur's veto message of August 1, 1882, condemned the bill because it contained

provisions designed "entirely for the benefit of the particular localities in which it is proposed to make the improvements." He thus described a type of legislation of which the nation had and is still having bitter experience: "As the citizens of one State find that money, to raise which they in common with the whole country are taxed, is to be expended for local improvements in another State, they demand similar benefits for themselves, and it is not unnatural that they should seek to indemnify themselves for such use of the public funds by securing appropriations for similar improvements in their own neighborhood. Thus as the bill becomes more objectionable it secures more support." The truth of this last assertion Congress immediately proved by passing the bill over the President's veto. Senator Hoar, who defended the bill, has admitted that "a large number of the members of the House who voted for it lost their seats" and that in his opinion the affair "cost the Republican party its majority in the House of Representatives."

Legislation regarding the tariff was, however, the event of Arthur's administration which had the deepest effect upon the political situation. Both national parties were reluctant to face the

issue, but the pressure of conditions became too strong for them. Revenue arrangements originally planned for war needs were still amassing funds in the Treasury vaults which were now far beyond the needs of the Government and were at the same time deranging commerce and industry. In times of war the Treasury served as a financial conduit; peace had now made it a catch basin whose excess accumulations embarrassed the Treasury and at the same time caused the business world to suffer from a scarcity of currency. In his annual message on December 6, 1881, President Arthur cautiously observed that it seemed to him "that the time has arrived when the people may justly demand some relief from the present onerous burden." In his message of December 4, 1882, he was much more emphatic. Calling attention to the fact that the annual surplus had increased to more than \$145,000,000, he observed that "either the surplus must lie idle in the Treasury or the Government will be forced to buy at market rates its bonds not then redeemable, and which under such circumstances cannot fail to command an enormous premium, or the swollen revenues will be devoted to extravagant expenditures, which, as experience has taught, is ever the bane of an overflowing treasury."

The congressional agents of the protected industries were confronted by an exacting situation. The country was at peace but it was still burdened by war taxes although the Government did not need the accumulating revenue and was actually embarrassed by its excess. The President had already made himself the spokesman of the popular demand for a substantial reduction of taxes. Such a combination of forces in favor of lightening the popular burden might seem to be constitutionally irresistible, but by adroit maneuvering the congressional supporters of protection managed to have the war rates generally maintained and in some cases even increased. The case is a typical example of the way in which advantage of strategic position in a governmental system can prevail against mere numbers.

By the Act of May 15, 1882, a tariff commission was created to examine the industrial situation and make recommendations as to rates of duty. The President appointed men who stood high in the commercial world and who were strongly attached to the protective system. They applied themselves to their task with such energy that by December 4, 1882, they had produced a voluminous report with suggested amendments to customs laws.

But the advocates of high protection in the House were not satisfied; they opposed the recommendations of the report and urged that the best and quickest way to reduce taxation was by abolishing or reducing items on the internal revenue list. This policy not only commanded support on the Republican side but also received the aid of a Democratic faction which avowed protectionist principles and claimed party sanction for them. These political elements in the House were strong enough to prevent action on the customs tariff but a bill was passed reducing some of the internal revenue taxes. This action seemed likely to prevent tariff revision at least during that session. Formidable obstacles, both constitutional and parliamentary, stood in the way of action, but they were surmounted by ingenious management.

The Constitution provides that all revenue bills shall originate in the House of Representatives, but the Senate has the right to propose amendments. Under cover of this clause the Senate originated a voluminous tariff bill and tacked it to the House bill as an amendment. When the bill, as thus amended, came back to the House, a two-thirds vote would have been required by the existing rules to take it up for consideration, but this obstacle

was overcome by adopting a new rule by which a bare majority of the House could forthwith take up a bill amended by the Senate, for the purpose of non-concurrence but not for concurrence. The object of this maneuver was to get the bill into a committee of conference where the details could be arranged by private negotiation. The rule was adopted on February 26, 1883, but the committee of conference was not finally constituted until the 1st of March, within two days of the close of the session. On the 3d of March, when this committee reported a measure on which they had agreed, both Houses adopted this report and enacted the measure without further ado.

In some cases rates were fixed by the committee above the figures voted in either House, and even when there was no disagreement changes were made. The tariff commission had recommended, for example, a duty of fifty cents a ton on iron ore, and both the Senate and the House voted to put the duty at that figure; but the conference committee fixed the rate at seventy-five cents. When a conference committee report comes before the House it is adopted or rejected *in toto*, as it is not divisible or amendable. In theory, the revision of a report is feasible by sending it back to conference

under instructions voted by the House, but such a procedure is not really available in the closing hours of a session, and the only practical course of action is either to pass the bill as shaped by the conferees or else to accept the responsibility for inaction. Thus pressed for time, Congress passed a bill containing features obnoxious to a majority in both Houses and offensive to public opinion. Senator Sherman in his *Recollections* expressed regret that he had voted for the bill and declared that, had the recommendations of the tariff commission been adopted, "the tariff would have been settled for many years," but "many persons wishing to advance their particular industries appeared before the committee and succeeded in having their views adopted." In his annual message December 4, 1883, President Arthur accepted the act as a response to the demand for a reduction of taxation which was sufficiently tolerable to make further effort inexpedient until its effects could be definitely ascertained; but he remarked that he had "no doubt that still further reductions may be wisely made."

In general, President Arthur's administration may therefore be accurately described as a period of political groping and party fluctuation. In

neither of the great national parties was there a sincere and definite attitude on the new issues which were clamorous for attention, and the public discontent was reflected in abrupt changes of political support. There was a general feeling of distrust regarding the character and capacity of the politicians at Washington, and election results were apparently dictated more by fear than by hope. One party would be raised up and the other party cast down, not because the one was trusted more than the other, but because it was for a while less odious. Thus a party success might well be a prelude to a party disaster because neither party knew how to improve its political opportunity. The record of party fluctuation in Congress during this period is almost unparalleled in sharpness.¹

In state politics the polling showed that both parties were disgusted with their leadership and

¹ In 1875, at the opening of the Forty-fourth Congress the House stood 110 Republicans and 182 Democrats. In 1881 the House stood 150 Republicans to 131 Democrats, with 12 Independent members. In 1884 the Republican list had declined to 119 and the Democratic had grown to 201, and there were five Independents. The Senate, although only a third of its membership is renewed every two years, displayed extraordinary changes during this period. The Republican membership of 46 in 1876 had declined to 33 by 1880, and the Democratic membership had increased to 42. In 1882 the Senate was evenly balanced in party strength, each party having 37 avowed adherents, but there were two Independents.

that there was a public indifference to issues, which kept people away from the polls. A comparison of the total vote cast in state elections in 1882 with that cast in the presidential election of 1880 showed a decline of over eight hundred thousand in the Republican vote and of nearly four hundred thousand in the Democratic vote. The most violent of the party changes that took place during this period occurred in the election of 1882 in New York State when the Republican vote showed a decline of over two hundred thousand and the Democratic candidate for Governor was elected by a plurality of nearly that amount. It was this election which brought Grover Cleveland into national prominence.

CHAPTER III

THE ADVENT OF CLEVELAND

POPULAR dissatisfaction with the behavior of public authority had not up to this time extended to the formal Constitution. Schemes of radical rearrangement of the political institutions of the country had not yet been agitated. New party movements were devoted to particular measures such as fresh greenback issues or the prohibition of liquor traffic. Popular reverence for the Constitution was deep and strong, and it was the habit of the American people to impute practical defects not to the governmental system itself but to the character of those acting in it. Burke as long ago as 1770 remarked truly that "where there is a regular scheme of operations carried on, it is the system and not any individual person who acts in it that is truly dangerous." But it is an inveterate habit of public opinion to mistake results for causes and to vent its resentment upon persons when misgovernment

occurs. That disposition was bitterly intense at this period. "Turn the rascals out" was the ordinary campaign slogan of an opposition party, and calumny formed the staple of its argument. Of course no party could establish exclusive proprietorship to such tactics, and whichever party might be in power in a particular locality was cast for the villain's part in the political drama. But as changes of party control took place, experience taught that the only practical result was to introduce new players into the same old game. Such experience spread among the people a despairing feeling that American politics were hopelessly depraved, and at the same time it gave them a deep yearning for some strong deliverer. To this messianic hope of politics may be ascribed what is in some respects the most remarkable career in the political history of the United States. The rapid and fortuitous rise of Grover Cleveland to political eminence is without a parallel in the records of American statesmanship, notwithstanding many instances of public distinction attained from humble beginnings.

The antecedents of Cleveland were Americans of the best type. He was descended from a colonial stock which had settled in the Connecticut

Vallëy. His earliest ancestor of whom there is any exact knowledge was Aaron Cleveland, an Episcopal clergyman, who died at East Haddam, Connecticut, in 1757, after founding a family which in every generation furnished recruits to the ministry. It argues a hereditary disposition for independent judgment that among these there was a marked variation in denominational choice. Aaron Cleveland was so strong in his attachment to the Anglican church that to be ordained he went to England — under the conditions of travel in those days a hard, serious undertaking. His son, also named Aaron, became a Congregational minister. Two of the sons of the younger Aaron became ministers, one of them an Episcopalian like his grandfather. Another son, William, who became a prosperous silversmith, was for many years a deacon in the church in which his father preached. William sent his second son, Richard, to Yale, where he graduated with honors at the age of nineteen. He turned to the Presbyterian church, studied theology at Princeton, and upon receiving ordination began a ministerial career which like that of many preachers was carried on in many pastorates. He was settled at Caldwell, New Jersey, in his third pastorate, and there Stephen Grover Cleveland was

born, on March 18, 1837, the fifth in a family of children that eventually increased to nine. He was named after the Presbyterian minister who was his father's predecessor. The first name soon dropped out of use, and from childhood he went by his middle name, a practice of which the Clevelands supply so many instances that it seems to be quite a family trait.

In campaign literature so much has been made of the humble circumstances in which Grover made his start in life, that the unwary reader might easily imagine that the future President was almost a waif. Nothing could be farther from the truth. He really belonged to the most authentic aristocracy that any state of society can produce — that which maintains its standards and principles from generation to generation by the integrity of the stock without any endowment of wealth. The Clevelands were people who reared large families and sustained themselves with dignity and credit on narrow means. It was a settled tradition with such republican aristocrats that a son destined for a learned profession — usually the ministry — should be sent to college, and for that purpose heroic economies were practiced in the family. The opportunities which wealth can confer are

really trivial in comparison with the advantage of being born and reared in such bracing conditions as those which surrounded Grover Cleveland. As a boy he was a clerk in a country store, but his education was not neglected and at the age of fifteen he was studying with a view to entering college. His father's death ended that prospect and forced him to go to work again to help support the family. Some two years later, when the family circumstances were sufficiently eased so that he could strike out for himself, he set off westward, intending to reach Cleveland. Arriving at Buffalo, he called upon a married aunt who, on learning that he was planning to get work at Cleveland with the idea of becoming a lawyer, advised him to stay in Buffalo where opportunities were better. Young Cleveland was taken into her home virtually as private secretary to her husband, Lewis F. Allen, a man of means, culture, and public spirit. Allen occupied a large house with spacious grounds in a suburb of the city, and owned a farm on which he bred fine cattle. He issued the *American Short-Horn Herd Book*, a standard authority for pedigree stock, and the fifth edition, published in 1861, made a public acknowledgment of "the kindness, industry, and ability" with which Grover Cleveland had

assisted the editor "in correcting and arranging the pedigrees for publication."

With his uncle's friendship to back him, Cleveland had of course no difficulty in getting into a reputable law office as a student, and thereafter his affairs moved steadily along the road by which innumerable young Americans of diligence and industry have advanced to success in the legal profession. Cleveland's career as a lawyer was marked by those steady, solid gains in reputation which result from care and thoroughness rather than from brilliancy, and in these respects it finds many parallels among lawyers of the trustee type. What is exceptional and peculiar in Cleveland's career is the way in which political situations formed about him without any contrivance on his part, and as it were projected him from office to office until he arrived in the White House.

At the outset nothing could have seemed more unlikely than such a career. Cleveland's ambitions were bound up in his profession and his politics were opposed to those of the powers holding local control. But the one circumstance did not shut him out of political vocation and the other became a positive advantage. He entered public life in 1863 through an unsought appointment as

assistant district attorney for Erie County. The incumbent of the office was in poor health and needed an assistant on whom he could rely to do the work. Hence Cleveland was called into service. His actual occupancy of the position prompted his party to nominate him to the office; and although he was defeated, he received a vote so much above the normal voting strength of his party that, in 1869, he was picked for the nomination to the office of sheriff to strengthen a party ticket made up in the interest of a congressional candidate. The expectation was that while the district might be carried for the Democratic candidate for Congress, Cleveland would probably fail of election. The nomination was virtually forced upon him against his wishes. But he was elected by a small plurality. This success, reënforced by his able conduct of the office, singled him out as the party hope for success in the Buffalo municipal election; and after his term as sheriff he was nominated for mayor, again without any effort on his part. Although ordinarily the Democratic party was in a hopeless minority, Cleveland was elected. It was in this campaign that he enunciated the principle that public office is a public trust, which was his rule of action throughout his career. Both as sheriff and

as mayor he acted upon it with a vigor that brought him into collision with predatory politicians, and the energy and address with which he defended public interests made him widely known as the reform mayor of Buffalo. His record and reputation naturally attracted the attention of the state managers of the Democratic party, who were casting about for a candidate strong enough to overthrow the established Republican control, and Cleveland was just as distinctly drafted for the nomination to the governorship in 1882 as he had been for his previous offices.

In his career as governor Cleveland displayed the same stanch characteristics as before, and he was fearless and aggressive in maintaining his principles. The most striking characteristic of his veto messages is the utter absence of partisan or personal designs. Some of the bills he vetoed purported to benefit labor interests, and politicians are usually fearful of any appearance of opposition to such interests. His veto of the bill establishing a five cent fare for the New York elevated railways was an action of a kind to make him a target for calumny and misrepresentation. Examination of the record reveals no instance in which Cleveland flinched from doing his duty or faltered in the full

performance of it. He acted throughout in his avowed capacity of a public trustee, and he conducted the office of governor with the same laborious fidelity which he had displayed as sheriff and as mayor. And now as before he antagonized elements of his own party who sought only the opportunities of office and cared little for its responsibilities. He did not unite suavity of manner with vigor of action, and at times he allowed himself to reflect upon the motives of opponents and to use language that was personally offensive. He told the Legislature in one veto message that "of all the defective and shabby legislation which has been presented to me, this is the worst and most inexcusable." He once sent a scolding message to the State Senate, in which he said that "the money of the State is apparently expended with no regard to economy" and, that "barefaced jobbery has been permitted." The Senate having refused to confirm a certain appointee, he declared that the opposition had "its rise in an overwhelming greed for the patronage which may attach to the place," and that the practical effect of such opposition was to perpetuate "the practice of unblushing peculation." What he said was quite true and it was the kind of truth that hurt. The brusqueness of his official

style and the censoriousness of his language infused even more personal bitterness into the opposition which developed within his own party than in that felt in the ranks of the opposing party. At the same time these traits delighted a growing body of reformers hostile to both the regular parties. These "Mugwumps," as they were called, were as a class so addicted to personal invective that it was said of them with as much truth as wit that they brought malice into politics without even the excuse of partisanship. But it was probably the enthusiastic support of this class which turned the scale in New York in the presidential election of 1884.

In the national conventions of that year there was an unusually small amount of factional strife. In the Republican convention President Arthur was a candidate, but party sentiment was so strong for Blaine that he led Arthur on the first ballot and was nominated on the fourth by a large majority. In the Democratic convention, Cleveland was nominated on the second ballot. Meanwhile his opponents had organized a new party from which more was expected than it actually accomplished. It assumed the title Anti-Monopoly and chose the notorious demagogue, General Benjamin F. Butler, as its candidate for President.

During this campaign the satirical cartoon attained a power and an effectiveness difficult to realize now that it has become an ordinary feature of journalism, equally available for any school of opinion. But it so happened that the rise of Cleveland in politics coincided with the artistic career of Joseph Keppler, who came to this country from Vienna and who for some years supported himself chiefly as an actor in Western theatrical companies. He had studied drawing in Vienna and had contributed cartoons to periodicals in that city. After some unsuccessful ventures in illustrated journalism he started a pictorial weekly in New York in 1875. It was originally printed in German, but in less than a year it was issued also in English. It was not until 1879 that it sprang into general notice through Keppler's success in reproducing lithographed designs in color. Meanwhile the artist was feeling his way from the old style caricature, crowded with figures with overhead loops of explanatory text, to designs possessing an artistic unity expressive of an idea plain enough to tell its own story. He had matured both his mechanical resources and his artistic method by the time the campaign of 1884 came on, and he had founded a school which could apply the style to American

politics with aptness superior to his own. It was Bernhard Gillam who, working in the new Keppler style, produced a series of cartoons whose tremendous impressiveness was universally recognized. Blaine was depicted as the tattooed man and was exhibited in that character in all sorts of telling situations. While on the stump during the campaign, Blaine had sometimes literally to wade through campaign documents assailing his personal integrity and phrases culled from them were chanted in public processions. One of the features of a great parade of business men of New York was a periodical chorus of "Burn this letter," suiting the action to the word and thus making a striking pyrotechnic display.¹ But the cartoons reached people who would never have been touched by campaign documents or by campaign processions.

Notwithstanding the exceptional violence and novel ingenuity of the attacks made upon him, Blaine met them with such ability and address that everywhere he augmented the ordinary strength of

¹ The allusion was to the Mulligan letters which had been made public by Mr. Blaine himself when it had been charged that they contained evidence of corrupt business dealings. The disclosure had been made four years before and ample opportunity had existed for instituting proceedings if the case warranted it, but nothing was done except to nurse the scandal for campaign use.

his party, and his eventual defeat was generally attributed to an untoward event among his own adherents at the close of the campaign. At a political reception in the interest of Blaine among New York clergymen, the Reverend Dr. Burchard spoke of the Democratic party as "the party of rum, Romanism, and rebellion." Unfortunately Blaine did not hear him distinctly enough to repudiate this slur upon the religious belief of millions of American citizens, and alienation of sentiment caused by the tactless and intolerant remark could easily account for Blaine's defeat by a small margin. He was only 1149 votes behind Cleveland in New York in a poll of over 1,125,000 votes and only 23,005 votes behind in a national poll of over 9,700,000 votes for the leading candidates. Of course Cleveland in his turn was a target of calumny, and in his case the end of the campaign did not bring the customary relief. He was pursued to the end of his public career by active, ingenious, resourceful, personal spite and steady malignity of political opposition from interests whose enmity he had incurred while Governor of New York.

The situation which confronted Cleveland when he became President was so complicated and embarrassing that perhaps even the most sagacious

and resourceful statesman could not have coped with it successfully, though it is the characteristic of genius to accomplish the impossible. But Cleveland was no genius; he was not even a man of marked talent. He was stanch, plodding, laborious, and dutiful, but he was lacking in ability to penetrate to the heart of obscure political problems and to deal with primary causes rather than with effects. The great successes of his administration were gained in particular problems whose significance had already been clearly defined. In this field Cleveland's resolute and energetic performance of duty had splendid results.

At the time of Cleveland's inauguration as President the Senate claimed an extent of authority which, if allowed to go unchallenged, would have turned the Presidency into an office much like that of the doge of Venice, one of ceremonial dignity without real power. *The Federalist* — that matchless collection of constitutional essays written by Hamilton, Madison, and Jay — laid down the doctrine that "against the enterprising ambition" of the legislative department "the people ought to indulge all their jealousy and exhaust all their precautions." But some of the precautions taken in framing the Constitution proved ineffectual from

the start. The right conferred upon the President to recommend to the consideration of Congress "such measures as he shall judge necessary and expedient" was emptied of practical importance by the success of Congress in interpreting it as meaning no more than that the President may request Congress to take a subject into consideration. In practice Congress considers only such measures as are recommended by its own committees. The framers of the Constitution took special pains to fortify the President's position by the veto power, which is treated at length in the Constitution. By a special clause the veto power was extended to "every order, resolution or vote . . . except on a question of adjournment" — a clause which apparently should enable the President to strike off the "riders" continually put upon appropriation bills to coerce executive action, but no President has ventured to exercise this authority. Although the Senate was joined to the President as an advisory council in appointments to office, it was explained in *The Federalist* that "there will be no exertion of choice on the part of Senators." Nevertheless the Senate has claimed and exercised the right to dictate appointments. While thus successfully encroaching upon the authority of the

President, the Senate had also been signally successful in encroaching upon the authority of the House. The framers of the Constitution anticipated for the House a masterful career like that of the House of Commons, and they feared that the Senate could not protect itself in the discharge of its own functions; so, although the traditional principle that all revenue bills should originate in the House was taken over into the Constitution, it was modified by the proviso that "the Senate may propose or concur with amendments as on other bills." This right to propose amendments has been improved by the Senate until the prerogative of the House has been reduced to an empty form. Any money bill may be made over by amendment in the Senate, and when contests have followed the Senate has been so successful in imposing its will upon the House that the House has acquired the habit of submission. Not long before the election of Cleveland, as has been pointed out, this habitual deference of the House had enabled the Senate to originate a voluminous tariff act in the form of an amendment to the Internal Revenue Bill voted by the House.

In addition to these extensions of power through superior address in management, the ascendancy

of the Senate was fortified by positive law. In 1867, when President Johnson fell out with the Republican leaders in Congress, a Tenure of Office Act was passed over his veto, which took away from the President the power of making removals except by permission of the Senate. In 1869, when Johnson's term had expired, a bill for the unconditional repeal of this law passed the House with only sixteen votes in the negative, but the Senate was able to force a compromise act which perpetuated its authority over removals.¹ President Grant complained of this act as "being inconsistent with a faithful and efficient administration of the government," but with all his great fame and popularity he was unable to induce the Senate to relinquish the power it had gained.

This law was now invoked by Republicans as a means of counteracting the result of the election. Such was the feeling of the times that partisanship could easily masquerade as patriotism. Republicans still believed that as saviors of the Union they had a prescriptive right to the government. During the campaign, Eugene Field, the

¹ The Act of April 5, 1869, required the President, within thirty days after the opening of the sessions, to nominate persons for all vacant offices, whether temporarily filled or not, and in place of all officers who may have been suspended during the recess of the Senate.

famous Western poet, had given a typical expression of this sentiment in some scornful verses concluding with this defiant notice:

These quondam rebels come today
In penitential form,
And hypocritically say
The country needs "Reform!"
Out on reformers such as these;
By Freedom's sacred powers,
We'll run the country as we please;
We saved it, and it's ours.

Although the Democratic party had won the Presidency and the House, the Republicans still retained control of the Senate, and they were expected as a matter of course to use their powers for party advantage. Some memorable struggles, rich in constitutional precedents, issued from these conditions.

CHAPTER IV

A CONSTITUTIONAL CRISIS

As soon as Cleveland was seated in the presidential chair he had to deal with a tremendous onslaught of office seekers. In ordinary business affairs a man responsible for general policy and management would never be expected to fritter away his time and strength in receiving applicants for employment. The fact that such servitude is imposed upon the President of the United States shows that American political arrangements are still rather barbaric, for such usages are more suitable to some kinglet seated under a tree to receive the petitions of his tribesmen than they are to a republican magistrate charged with the welfare of millions of people distributed over a vast continent. Office seekers apparently regard themselves as a privileged class with a right of personal access to the President, and any appearances of aloofness or reserve on his part gives sharp offense. The exceptional force of

such claims of privilege in the United States may be attributed to the participation which members of Congress have acquired in the appointing power. The system thus created imposes upon the President the duties of an employment agent and at the same time engages Congressmen in continual occupation as office brokers. The President cannot deny himself to Congressmen, since he is dependent upon their favor for opportunity to get legislative consideration for his measures.

It was inevitable that numerous changes in office should take place when the Democratic party came into power after being excluded for twenty-four years. It may be admitted that, in a sound constitutional system, a change of management in the public business would not vacate all offices any more than in private business, but would affect only such leading positions as are responsible for policy and discipline. Such a sensible system, however, had existed only in the early days of the republic and at the time of Cleveland's accession to office federal offices were generally used as party barracks. The situation which confronted President Cleveland he thus described in later years:

In numerous instances the post-offices were made headquarters for local party committees and organizations

and the centers of partisan scheming. Party literature favorable to the postmaster's party, that never passed regularly through the mails, was distributed through the post-offices as an item of party service, and matter of a political character, passing through the mails in the usual course and addressed to patrons belonging to the opposite party, was withheld; disgusting and irritating placards were prominently displayed in many post-offices, and the attention of Democratic inquirers for mail matter was tauntingly directed to them by the postmaster; and in various other ways postmasters and similar officials annoyed and vexed those holding opposite political opinions, who, in common with all having business at public offices, were entitled to considerate and obliging treatment. In some quarters official incumbents neglected public duty to do political work, and especially in Southern States they frequently were not only inordinately active in questionable political work, but sought to do party service by secret and sinister manipulation of colored votes, and by other practices inviting avoidable and dangerous collisions between the white and colored population.¹

The Administration began its career in March, 1885. The Senate did not convene until December. Meanwhile removals and appointments went on in the public service, the total for ten months being six hundred and forty-three, which was thirty-seven less than the number of removals made by President Grant in seven weeks, in 1869.

¹ Cleveland, *Presidential Problems*, pp. 42-43.

In obedience to the statute of 1869, President Cleveland sent in all the recess appointments within thirty days after the opening of the session. They were referred to various committees, according to the long established custom of the Senate, but the Senate moved so slowly that three months after the opening of the session only seventeen nominations had been considered, fifteen of which the Senate confirmed.

Meanwhile the Senate had raised an issue which the President met with a force and a directness probably unexpected. Among the recess appointments was one to the office of District Attorney for the Southern District of Alabama, in place of an officer who had been suspended in July, 1885, but whose term of office expired by limitation on December 20, 1885. Therefore, at the time the Senate took up the case, the Tenure of Office Act did not apply to it, and the only question actually open was whether the acting officer should be confirmed or rejected. Nevertheless, the disposition to assert control over executive action was so strong that the Senate drifted into a constitutional struggle over a case that did not then involve the question of the President's discretionary power of removal from office, which was really the point at issue.

On December 26, 1885, the Judiciary Committee notified the Attorney-General to transmit "all papers and information in the possession of the Department" regarding both the nomination and "the suspension and proposed removal from office" of the former incumbent. On January 11, 1886, the Attorney-General sent to the Committee the papers bearing upon the nomination but withheld those touching the removal, on the ground that he had "received no direction from the President in relation to their transmission." The matter was debated by the Senate in executive session, and on January 25, 1886, a resolution was adopted which was authoritative in its tone and which directed the Attorney-General to transmit copies of all documents and papers in relation to the conduct of the office of District Attorney for the Southern District of Alabama since January 1, 1885. Within three days Attorney-General Garland responded that he had already transmitted all papers relating to the nomination, but with regard to the demand for papers exclusively relating to the suspension of the former incumbent he was directed by the President to say "that it is not considered that the public interests will be promoted by a compliance."

The response of the Attorney-General was referred to the Judiciary Committee which, on the 18th of February, made an elaborate report exhibiting the issue as one which involved the right of Congress to obtain information. It urged that "the important question, then, is whether it is within the constitutional competence of either House of Congress to have access to the official papers and documents in the various public offices of the United States, created by laws enacted by themselves." The report, which was signed only by the Republican members of the Committee, was an adroit partisan performance, invoking traditional constitutional principles in behalf of congressional privilege. A distinct and emphatic assertion of the prerogative of the Senate was made, however, in resolutions recommended to the Senate for adoption. Those resolutions censured the Attorney-General and declared it to be the duty of the Senate "to refuse its advice and consent to proposed removals of officers" when papers relating to them "are withheld by the Executive or any head of a department."

On the 2d of March, a minority report was submitted making the point, of which the cogency was obvious, that inasmuch as the term of the official

concerning whose suspension the Senate undertook to inquire had already expired by legal limitation, the only object in pressing for the papers in his case must be to review an act of the President which was no longer within the jurisdiction of the Senate, even if the constitutionality of the Tenure of Office Act should be granted. The report also showed that of the precedents cited in behalf of the majority's contention, the applicability could be maintained only of those which were supplied by cases arising since 1867, before which time the right of the President to remove officers at his own discretion was fully conceded.

The controversy had so far followed the ordinary lines of partisan contention in Congress, which public opinion was accustomed to regard with contemptuous indifference as mere sparring for points in the electioneering game. President Cleveland now intervened in a way which riveted the attention of the nation upon the issue. Ever since the memorable struggle which began when the Senate censured President Jackson and did not end until that censure was expunged, the Senate had been chary of a direct encounter with the President. Although the response of the Attorney-General stated that he was acting under the direction of

the President, the pending resolutions avoided any mention of the President but expressed "condemnation of the refusal of the Attorney-General under whatever influence, to send to the Senate" the required papers. The logical implication was that, when the orders of the President and the Senate conflicted, it was the duty of the Attorney-General to obey the Senate. This raised an issue which President Cleveland met by sending to the Senate his message of March 1, 1886, which has taken a high rank among American constitutional documents. It is strong in its logic, dignified in its tone, terse, direct, and forceful in its diction.

Cleveland's message opened with the statement that "ever since the beginning of the present session of the Senate the different heads of the departments attached to the executive branch of the government have been plied with various requests and documents from committees of the Senate, from members of such committees, and at last from the Senate itself, requiring the transmission of reasons for the suspension of certain officials during the recess of that body, or for papers touching the conduct of such officials." The President then observed that "though these suspensions are my executive acts, based upon considerations

addressed to me alone and for which I am wholly responsible, I have had no invitation from the Senate to state the position which I have felt constrained to assume." Further on he clinched this admission of full responsibility by declaring that "the letter of the Attorney-General in response to the resolution of the Senate . . . was written at my suggestion and by my direction."

This statement made clear in the sight of the nation that the true issue was between the President and the Senate. The strength of the Senate's position lay in its claim to the right of access to the records of public offices "created by laws enacted by themselves." The counterstroke of the President was one of the most effective passages of his message in its effect upon public opinion. "I do not suppose," he said, "that the public offices of the United States are regulated or controlled in their relations to either House of Congress by the fact that they were 'created by laws enacted by themselves.' It must be that these instrumentalities were enacted for the benefit of the people and to answer the general purposes of government under the Constitution and the laws, and that they are unencumbered by any lien in favor of either branch of Congress growing out of their

construction, and unembarrassed by any obligation to the Senate as the price of their creation.”

The President asserted that, as a matter of fact, no official papers on file in the departments had been withheld. “While it is by no means conceded that the Senate has the right in any case to review the act of the Executive in removing or suspending a public officer, upon official documents or otherwise, it is considered that documents and papers of that nature should, because they are official, be freely transmitted to the Senate upon its demand, trusting the use of the same, for proper and legitimate purposes, to the good faith of that body; and though no such paper or document has been especially demanded in any of the numerous requests and demands made upon the departments, yet as often as they were found in the public offices they have been furnished in answer to such applications.” The point made by the President, with sharp emphasis, was that there was nothing in his action which could be construed as a refusal of access to official records; what he did refuse to acknowledge was the right of the Senate to inquire into his motives and to exact from him a disclosure of the facts, circumstances, and sources of information that prompted his action. The materials

upon which his judgment was formed were of a varied character. "They consist of letters and representations addressed to the Executive or intended for his inspection; they are voluntarily written and presented by private citizens who are not in the least instigated thereto by any official invitation or at all subject to official control. While some of them are entitled to Executive consideration, many of them are so irrelevant or in the light of other facts so worthless, that they have not been given the least weight in determining the question to which they are supposed to relate." If such matter were to be considered public records and subject to the inspection of the Senate, the President would thereby incur "the risk of being charged with making a suspension from office upon evidence which was not even considered."

Issue as to the status of such documents was joined by the President in the sharpest possible way by the declaration: "I consider them in no proper sense as upon the files of the department but as deposited there for my convenience, remaining still completely under my control. I suppose if I desired to take them into my custody I might do so with entire propriety, and if I saw fit to destroy them no one could complain."

Moreover, there were cases in which action was prompted by oral communications which did not go on record in any form. As to this, Cleveland observed, "It will not be denied, I suppose, that the President may suspend a public officer in the entire absence of any papers or documents to aid his official judgment and discretion; and I am quite prepared to avow that the cases are not few in which suspensions from office have depended more upon oral representations made to me by citizens of known good repute and by members of the House of Representatives and Senators of the United States than upon any letters and documents presented for my examination." Nor were such representations confined to members of his own party for, said he, "I recall a few suspensions which bear the approval of individual members identified politically with the majority in the Senate." The message then reviewed the legislative history of the Tenure of Office Act and questioned its constitutionality. The position which the President had taken and would maintain was exactly defined by this vigorous statement in his message:

The requests and demands which by the score have for nearly three months been presented to the different

Departments of the government, whatever may be their form, have but one complexion. They assume the right of the Senate to sit in judgement upon the exercise of my exclusive discretion and executive function, for which I am solely responsible to the people from whom I have so lately received the sacred trust of office. My oath to support and defend the Constitution, my duty to the people who have chosen me to execute the powers of their great office and not relinquish them, and my duty to the chief magistracy which I must preserve unimpaired in all its dignity and vigor, compel me to refuse compliance with these demands.

There is a ringing quality in the style of this message not generally characteristic of President Cleveland's state papers. It evoked as ringing a response from public opinion, and this effect was heightened by a tactless allusion to the message made at this time in the Senate. In moving a reference of the message to the Judiciary Committee, its chairman, Senator Edmunds of Vermont, remarked that the presidential message brought vividly to his mind "the communication of King Charles I to the Parliament, telling them what, in conducting their affairs, they ought to do and ought not to do." The historical reference, however, had an application which Senator Edmunds did not foresee. It brought vividly to mind what the people of England had endured from a

factional tyranny so relentless that the nation was delighted when Oliver Cromwell turned Parliament out of doors. It is an interesting coincidence that the Cleveland era was marked by what in the book trade was known as the Cromwell boom. Another unfortunate remark made by Senator Edmunds was that it was the first time "that any President of the United States has undertaken to interfere with the deliberations of either House of Congress on questions pending before them, otherwise than by message on the state of the Union which the Constitution commands him to make from time to time." The effect of this statement, however, was to stir up recollections of President Jackson's message of protest against the censure of the Senate. The principle laid down by Jackson in his message of April 15, 1834, was that "the President is the direct representative of the American people," whereas the Senate is "a body not directly amenable to the people." However assailable this statement may be from the standpoint of traditional legal theory, it is indubitably the principle to which American politics conform in practice. The people instinctively expect the President to guard their interests against congressional machinations.

There was a prevalent belief that the Senate's profession of motives of constitutional propriety was insincere and that the position it had assumed would never have been thought of had the Republican candidate for President been elected. A feeling that the Senate was not playing the game fairly to refuse the Democrats their innings was felt even among Senator Edmunds' own adherents. A spirit of comity traversing party lines is very noticeable in the intercourse of professional politicians. Their willingness to help each other out is often manifested, particularly in struggles involving control of party machinery. Indeed, a system of ring rule in a governing party seems to have for its natural concomitant the formation of a similar ring in the regular opposition, and the two rings maintain friendly relations behind the forms of party antagonism. The situation is very similar to that which exists between opposing counsel in suits at law, where the contentions at the trial table may seem to be full of animosity and may indeed at times really develop personal enmity, but which as a general rule are merely for effect and do not at all hinder coöperation in matters pertaining to their common professional interest.

The attitude taken by the Senate in its opposition

to President Cleveland jarred upon this sense of professional comity, and it was very noticeable that in the midst of the struggle some questionable nominations of notorious machine politicians were confirmed by the Senate. It may have been that a desire to discredit the reform professions of the Administration contributed to this result, but the effect was disadvantageous to the Senate. *The Nation* on March 11, 1886, in a powerful article reviewing the controversy observed: "There is not the smallest reason for believing that, if the Senate won, it would use its victory in any way for the maintenance or promotion of reform. In truth, in the very midst of the controversy, it confirmed the nomination of one of Baltimore's political scamps." It is certainly true that the advising power of the Senate has never exerted a corrective influence upon appointments to office; its constant tendency is towards a system of apportionment which concedes the right of the President to certain personal appointments and asserts the reciprocal right of Congressmen to their individual quotas.

As a result of these various influences the position assumed by the Republicans under the lead of Senator Edmunds was seriously weakened.

When the resolutions of censure were put to the vote on the 26th of March, that condemning the refusal of the Attorney-General to produce the papers was adopted by thirty-two ayes to twenty-six nays — a strict party vote; but the resolution declaring it to be the duty of the Senate in all such cases to refuse its consent to removals of suspended officials was adopted by a majority of only one vote, and two Republican Senators voted with the Democrats. The result was in effect a defeat for the Republican leaders, and they wisely decided to withdraw from the position which they had been holding. Shortly after the passage of the resolutions the Senate confirmed the nomination over which the contest started, and thereafter the right of the President to make removals at his own discretion was not questioned.

This retreat of the Republican leaders was accompanied, however, by a new development in political tactics which from the standpoint of party advantage was ingeniously conceived. It was now held that, inasmuch as the President had avowed attachment to the principle of tenure of office during good behavior, his action in suspending officers therefore implied delinquency in their character or conduct from which they should

be exonerated in case the removal was really on partisan grounds. In reporting upon nominations, therefore, Senate committees adopted the practice of noting that there were no charges of misconduct against the previous incumbents and that the suspension was on account of "political reasons." As these proceedings took place in executive session, which is held behind closed doors, reports of this character would not ordinarily reach the public, but the Senate now voted to remove the injunction of secrecy, and the reports were published. The manifest object of these maneuvers was to exhibit the President as acting upon the "spoils system" of distributing offices. The President's position was that he was not accountable to the Senate in such matters. In his message of the 1st of March he said: "The pledges I have made were made to the people, and to them I am responsible for the manner in which they have been redeemed. I am not responsible to the Senate, and I am unwilling to submit my actions and official conduct to them for judgement."

While this contest was still going on, President Cleveland had to encounter another attempt of the Senate to take his authority out of his hands. The history of American diplomacy during this period

belongs to another volume in this series,¹ but a diplomatic question was drawn into the struggle between the President and the Senate in such a way that it requires mention here. Shortly after President Cleveland took office the fishery articles of the Treaty of Washington had terminated. In his first annual message to Congress, on December 8, 1885, he recommended the appointment of a commission to settle with a similar commission from Great Britain "the entire question of the fishery rights of the two governments and their respective citizens on the coasts of the United States and British North America." But this sensible advice was denounced as weak and cowardly. Oratory of the kind known as "twisting the lion's tail" resounded in Congress. Claims were made of natural right to the use of Canadian waters which would not have been indulged for a moment in respect of the territorial waters of the United States. For instance, it was held that a bay over six miles between headlands gave free ingress so long as vessels kept three miles from shore — a doctrine which, if applied to Long Island Sound, Delaware Bay, or Chesapeake Bay,

¹ See *The Path of Empire*, by Carl Russell Fish (in *The Chronicles of America*).

would have impaired our national jurisdiction over those waters. Senator Frye of Maine took the lead in a rub-a-dub agitation in the presence of which some Democratic Senators showed marked timidity. The administration of public services by congressional committees has the incurable defect that it reflects the particular interests and attachments of the committeemen. Presidential administration is so circumstanced that it tends to be nationally minded; committee administration just as naturally tends to be locally minded. Hence Senator Frye was able to report from the committee on foreign relations a resolution declaring that a commission "charged with the consideration and settlement of the fishery rights . . . ought not to be provided for by Congress." Such was the attitude of the Senate towards the President on this question that on April 13, 1886, this arrogant resolution was adopted by thirty-five ayes to ten nays. A group of Eastern Democrats who were in a position to be affected by the long-shore vote joined with the Republicans in voting for the resolution, and among them Senator Gorman of Maryland, national chairman of the Democratic party.

President Cleveland was no more affected by

this Senate resolution than he had been by their other resolutions attacking his authority. He went ahead with his negotiations and concluded treaty arrangements which the Senate of course rejected; but, as that result had been anticipated, a *modus vivendi* which had been arranged by executive agreements between the two countries went into effect regardless of the Senate's attitude. The case is a signal instance of the substitution of executive arrangements for treaty engagements which has since then been such a marked tendency in the conduct of the foreign relations of the United States.

A consideration which worked steadily against the Senate in its attacks upon the President was the prevalent belief that the Tenure of Office Act was unconstitutional in its nature and mischievous in its effects. Although Senator Edmunds had been able to obtain a show of solid party support, it eventually became known that he stood almost alone in the Judiciary Committee in his approval of that act. The case is an instructive revelation of the arbitrary power conferred by the committee system. Members are loath to antagonize a party chairman to whom their own bills must go for approval. Finally Senator Hoar dared to take the

risk and with such success that, on June 21, 1886, the committee reported a bill for the complete repeal of the Tenure of Office Act, the chairman — Senator Edmunds — alone dissenting. When the bill was taken up for consideration, Senator Hoar remarked that he did not believe there were five members of the Senate who really believed in the propriety of that act. "It did not seem to me to be quite becoming," he explained, "to ask the Senate to deal with this general question, while the question which arose between the President and the Senate as to the interpretation and administration of the existing law was pending. I thought as a party man that I had hardly the right to interfere with the matter which was under the special charge of my honorable friend from Vermont, by challenging a debate upon the general subject from a different point of view."

Although delicately put, this statement was in effect a repudiation of the party leadership of Edmunds and in the debate which ensued not a single Senator came to his support. He stood alone in upholding the propriety of the Tenure of Office Act, arguing that without its restraint "the whole real power and patronage of this government was vested solely in the hands of a President of the

United States and his will was the law." He held that the consent of the Senate to appointments was an insufficient check if the President were allowed to remove at his own will and pleasure. He was answered by his own party colleagues and committee associates, Hoar and Evarts. Senator Hoar went so far as to say that in his opinion there was not a single person in this country, in Congress or out of Congress, with the exception of the Senator from Vermont, who did not believe that a necessary step towards reform "must be to impose the responsibility of the Civil Service upon the Executive." Senator Evarts argued that the existing law was incompatible with executive responsibility, for "it placed the Executive power in a strait-jacket." He then pointed out that the President had not the legal right to remove a member of his own Cabinet and asked, "Is not the President imprisoned if his Cabinet are to be his masters by the will of the Senate?" The debate was almost wholly confined to the Republican side of the Senate, for only one Democrat took any part in it. Senator Edmunds was the sole spokesman on his side, but he fought hard against defeat and delivered several elaborate arguments of the "check and balance" type. When

the final vote took place, only three Republicans actually voted for the repealing bill, but there were absentees whose votes would have been cast the same way had they been needed to pass the bill.¹

President Cleveland had achieved a brilliant victory. In the joust between him and Edmunds in lists of his adversary's own contriving, he had held victoriously to his course while his opponent had been unhorsed. The granite composure of Senator Edmunds' habitual mien did not permit any sign of disturbance to break through, but his position in the Senate was never again what it had been, and eventually he resigned his seat before the expiration of his term. He retired from public life in 1891 at the age of sixty-three.

From the standpoint of the public welfare it is to be noted that the issue turned on the maintenance of privilege rather than on the discharge of responsibility. President Cleveland contended that he was not responsible to the Senate but to the people for the way in which he exercised his trusteeship. But the phrase "the people" is an

¹ The bill was passed by thirty yeas and twenty-two nays, and among the nays were several Senators who while members of the House had voted for repeal. The repeal bill passed the House by a vote of 172 to 67, and became law on March 3, 1887.

abstraction which has no force save as it receives concrete form in appropriate institutions. It is the essential characteristic of a sound constitutional system that it supplies such institutions so as to put executive authority on its good behavior by steady pressure of responsibility through full publicity and detailed criticism. This result the Senate fails to secure, because it keeps trying to invade executive authority and to seize the appointing power, instead of seeking to enforce executive responsibility. This point was forcibly put by *The Nation* when it said: "There is only one way of securing the presentation to the Senate of all the papers and documents which influence the President in making either removals or appointments, and that is a simple way, and one wholly within the reach of the Senators. They have only to alter their rules; and make executive sessions as public as legislative sessions, in order to drive the President not only into making no nominations for which he cannot give creditable reasons, but into furnishing every creditable reason for the nomination which he may have in his possession."¹

During the struggle an effort was made to bring

¹ *The Nation*, March 11, 1886.

about this very reform, under the lead of a Republican Senator, Orville H. Platt of Connecticut. On April 13, 1886, he delivered a carefully prepared speech, based upon much research, in which he showed that the rule of secrecy in executive sessions could not claim the sanction of the founders of the government. It is true that the Senate originally sat with closed doors for all sorts of business, but it discontinued the practice after a few years. It was not until 1800, six years after the practice of public sessions had been adopted, that any rule of secrecy was applied to business transacted in executive sessions. Senator Platt's motion to repeal this rule met with determined opposition on both sides of the chamber, coupled with an indisposition to discuss the matter. When it came up for consideration on the 15th of December, Senator Hoar moved to lay it on the table, which was done by a vote of thirty-three to twenty-one. Such prominent Democratic leaders as Gorman of Maryland and Vest of Missouri voted with Republican leaders like Evarts, Edmunds, Allison, and Harrison, in favor of Hoar's motion, while Hoar's own colleague, Senator Dawes, together with such eminent Republicans as Frye of Maine, Hawley of Connecticut, and Sherman of Ohio voted with

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Platt. Thus any party responsibility for the result was successfully avoided, and an issue of great constitutional importance was laid away without any apparent stir of popular sentiment.

CHAPTER V

PARTY POLICY IN CONGRESS

WHILE President Cleveland was successfully asserting his executive authority, the House of Representatives, too, was trying to assert its authority, but its choice of means was such that it was badly beaten and was reduced to a state of humble subordination from which it has never emerged. Its traditional procedure was arranged on the theory that Congress ought to propose as well as to enact legislation, and to receive recommendations from all quarters without preference or discrimination. Although the Constitution makes it the right and duty of the President to "recommend to their consideration such measures as he shall judge necessary and expedient," measures proposed by the Administration stand on the same footing under the rules as those proposed by the humblest citizen of the United States. In both cases they are allowed to reach Congress only in the form of a bill or

resolution introduced by a member of Congress, and they go on the files without any distinction as to rank and position except such as pertains to them from the time and order in which they are introduced. Under the rules all measures are distributed among numerous committees, each having charge of a particular class, with power to report favorably or adversely. Each committee is constituted as a section of the whole House, with a distribution of party representation corresponding to that which exists in the House.

Viewed as an ideal polity the scheme has attractive features. In practice, however, it is attended with great disadvantages. Although the system was originally introduced with the idea that it would give the House of Representatives control over legislative business, the actual result has been to reduce this body to an impotence unparalleled among national representative assemblies in countries having constitutional government. In a speech delivered on December 10, 1885, William M. Springer of Illinois complained: "We find ourselves bound hand and foot, the majority delivering themselves over to the power of the minority that might oppose any particular measures, so that nothing could be done in the way of legislation

except by unanimous consent or by a two-thirds vote.” As an instance of legislative paralysis he related that “during the last Congress a very important bill, that providing for the presidential succession . . . was reported from a committee of which I had the honor to be a member, and was placed on the calendar of the House on the 21st day of April, 1884; and that bill, which was favored by nearly the entire House, was permitted to die on the calendar, because there never was a moment when under the rules as they then existed, the bill could be reached and passed by the House.” During the whole of that session of Congress the regular calendar was never reached. “Owing to the fact that we could not transact business under the rules, all business was done under unanimous consent or under propositions to suspend the rules upon the two Mondays in each month on which suspensions were allowed.” As a two-thirds majority was necessary to suspend the rules, any considerable minority had a veto power.

The standing committees whose ostensible purpose was to prepare business for consideration were characterized as legislative cemeteries. Charles B. Lore of Delaware, referring to the situation during the previous session, said: “The committees

were formed, they met in their respective committee rooms day after day, week after week, working up the business which was committed to them by this House, and they reported to this House 8290 bills. They came from the respective committees, and they were consigned to the calendars of this House, which became for them the tomb of the Capulets; most of them were never heard of afterward. From the Senate there were 2700 bills. . . . Nine tenths of the time of the committees of the Forty-eighth Congress was wasted. We met week after week, month after month, and labored over the cases prepared, and reported bills to the House. They were put upon the calendars and there were buried, to be brought in again and again in succeeding Congresses."

William D. Kelley of Pennsylvania bluntly declared: "No legislation can be effectually originated outside the Committee on Appropriations, unless it be a bill which will command unanimous consent or a stray bill that may get a two-thirds vote, or a pension bill." He explained that he excepted pension bills "because we have for several years by special order remitted the whole subject of pensions to a committee who bring in their bills at sessions held one night in each week,

when ten or fifteen gentlemen decide what soldiers may have pensions and what soldiers may not."

The Democratic party found this situation extremely irritating when it came into power in the House. It was unable to do anything of importance or even to define its own party policy, and in the session of Congress beginning in December, 1885, it sought to correct the situation by amending the rules. In this undertaking it had sympathy and support on the Republican side. The duress under which the House labored was pungently described by Thomas B. Reed, who was just about that time revealing the ability that gained for him the Republican leadership. In a speech delivered on December 16, 1885, he declared: "For the last three Congresses the representatives of the people of the United States have been in irons. They have been allowed to transact no public business except at the dictation and by the permission of a small coterie of gentlemen who, while they possessed individually more wisdom than any of the rest of us, did not possess all the wisdom in the world."

The coterie alluded to by Mr. Reed was that which controlled the committee on appropriations. Under the system created by the rules of the House bills pour in by tens of thousands. A member of

the House of a statistical turn of mind once submitted figures to the House showing that it would take over sixty-six years to go through the calendars of one session in regular order, allowing an average of one minute for each member to debate each bill. To get anything done the House must proceed by special order, and as it is essential to pass the appropriations to keep up the government, a precedence was allowed to business reported by that committee which in effect gave it a position of mastery. O. R. Singleton of Mississippi, in the course of the same debate, declared that there was a "grievance which towers above all others as the Alps tower above the surrounding hills. It is the power resting with said committee, and oftentimes employed by it, to arrest any legislation upon any subject which does not meet its approval. A motion to go into committee of the whole to consider appropriation bills is always in order, and takes precedence of all other motions as to the order of business."

The practical effect of the rules was that, instead of remaining the servant of the House, the committee became its master. Not only could the committee shut off from any consideration any measure to which it was opposed but it could also

dictate to the House the shape in which its own bills should be enacted. While the form of full consideration and amendment is preserved, the terms of a bill are really decided by a conference committee appointed to adjust differences between the House and the Senate. John H. Reagan of Texas stated that "a conference committee, made up of three members of the appropriations committee, acting in conjunction with a similar conference committee on the part of the Senate, does substantially our legislation upon this subject of appropriations." In theory the House was free to accept or reject the conference committee's report. Practically the choice lay between the bill as fixed by the conference committee or no bill at all during that session. Mr. Reagan stated the case exactly when he said that it meant "letting six men settle what the terms are to be, beyond our power of control, unless we consent to a called session of Congress."

To deal with this situation the House had refused to adopt the rules of the preceding Congress, and after electing John G. Carlisle as Speaker and authorizing the appointment of a committee on rules, it deferred the appointment of the usual legislative committees until after a new set of rules had been

adopted. The action of the Speaker in constituting the Rules Committee was scrupulously fair to the contending interests. It consisted of himself, Samuel J. Randall of Pennsylvania, and William R. Morrison of Illinois from the Democratic side of the House, and of Thomas B. Reed of Maine and Frank Hiscock of New York from the Republican side. On the 14th of December the committee made two reports: a majority report presented by Mr. Morrison and a minority report presented by Mr. Randall and signed by him alone.

These reports and the debates which followed are most disappointing. What was needed was a penetrating discussion of the means by which the House could establish its authority and perform its constitutional functions. But it is a remarkable circumstance that at no time was any reference made to the only way in which the House can regain freedom of action — namely, by having the Administration submit its budget demands and its legislative proposals directly to the committee of the whole House. The preparatory stages could then be completed before the opening of the legislative session. Congress would thus save the months of time that are now consumed in committee incubation and would almost certainly be

assured of opportunity of considering the public business. Discrimination in legislative privilege among members of the House would then be abolished, for every member would belong to the committee on appropriations. It is universally true in constitutional governments that power over appropriations involves power over legislation, and the only possibility of a square deal is to open that power to the entire membership of the assembly, which is the regular practice in Switzerland and in all English commonwealths. The House could not have been ignorant of the existence of this alternative, for the whole subject had been luminously discussed in the Senate Report of February 4, 1881. It was therein clearly pointed out that such an arrangement would prevent paralysis or inaction in Congress. With the Administration proposing its measures directly to Congress, discussion of them and decisions upon them could not be avoided.

But such a public forum could not be established without sweeping away many intrenchments of factional interest and private opportunity, and this was not at all the purpose of the committee on rules. It took its character and direction from an old feud between Morrison and Randall. Morrison, as chairman of the Ways and Means Committee in

1876, had reported a tariff reform measure which was defeated by Randall's influence. Then Randall, who had succeeded to the Speakership, transferred Morrison from the chairmanship of the Ways and Means Committee to the chairmanship of the committee on public lands. But Morrison was a man who would not submit to defeat. He was a veteran of the Civil War, and had been severely wounded in leading his regiment at Fort Donelson. After the war he figured in Illinois politics and served as Speaker of the State Legislature. He entered Congress in 1873 and devoted himself to the study of the tariff with such intelligence and thoroughness that his speeches are still an indispensable part of the history of tariff legislation. His habitual manner was so mild and unassuming that it gave little indication of the force of his personality, which was full of energy and perseverance.

Randall was more imperious in his mien. He was a party leader of established renown which he had gained in the struggles over force bills at the close of the reconstruction period. His position on the tariff was that of a Pennsylvania protectionist, and upon the tariff reform issue in 1883 he was defeated for the Speakership. At that time John G. Carlisle of Kentucky was raised to that post,

while Morrison again became chairman of the Ways and Means Committee. But Randall, now appointed chairman of the Appropriations Committee, had so great an influence that he was able to turn about forty Democratic votes against the tariff bill reported by the Ways and Means Committee, thus enabling the Republicans to kill the bill by striking out the enacting clause.

Only this practical aim then was in view in the reports presented by the committee on rules. The principal feature of the majority report was a proposal to curtail the jurisdiction of the Appropriations Committee by transferring to other committees five of the eleven regular appropriation bills. What from the constitutional point of view would appear to be the main question — the recovery by the House of its freedom of action — was hardly noticed in the report or in the debates which followed. Heretofore the rules had allotted certain periods to general business; now the majority report somewhat enlarged these periods and stipulated that no committee should bring more than one proposal before the House until all other committees had had their turn. This provision might have been somewhat more effective had it been accompanied by a revision of the list of

committees such as was proposed by William M. Springer. He pointed out that there were a number of committees "that have no business to transact or business so trifling and unimportant as to make it unnecessary to have standing committees upon such subjects"; he proposed to abolish twenty-one of these committees and to create four new ones to take their place; he showed that "if we allow these twenty useless committees to be again put on our list, to be called regularly in the morning hour . . . forty-two days will be consumed in calling these committees"; and, finally, he pointed out that the change would effect a saving since it would "do away with sixteen committee clerkships."

This saving was, in fact, fatal to the success of Springer's proposal, since it meant the extinction of so many sinecures bestowed through congressional favor. In the end Springer reduced his proposed change to the creation of one general committee on public expenditures to take the place of eight committees on departmental expenditures. It was notorious that such committees did nothing and could do nothing, and their futility, save as dispensers of patronage, had been demonstrated in a startling manner by the effect of the Acts of

July 12, 1870, and June 20, 1874, requiring all unused appropriations to be paid into the Treasury. The amounts thus turned into the Treasury aggregated \$174,000,000 and in a single bureau there was an unexpended balance of \$36,000,000, which had accumulated for a quarter of a century because Congress had not been advised that no appropriation was needed. Mr. Springer remarked that, during the ten years in which he had been a member of Congress, he had observed with regard to these committees "that in nearly all cases, after their appointment, organization, and the election of a clerk, the committee practically ceased to exist, and nothing further is done." William R. Morrison at once came to the rescue of the endangered sinecures and argued that even although these committees had been inactive in the past they "constituted the eyes, the ears, and the hands of the House." In consequence, after a short debate Mr. Springer's motion was rejected without a division.

The arrangements subsequently made to provide time and opportunity for general legislation turned out in practice to be quite futile and indeed they were never more than a mere formal pretense. It was quite obvious therefore that the new rules

tended only to make the situation worse than before. Thomas Ryan of Kansas told the plain truth when he said: "You do not propose to remedy any of those things of which you complain by any of the rules you have brought forward. You propose to clothe eight committees with the same power, with the same temptation and capacity to abuse it. You multiply eightfold the very evils of which you complain." James H. Blount of Georgia sought to mitigate the evils of the situation by giving a number of other committees the same privilege as the appropriation committees, but this proposal at once raised a storm, for appropriation committees had leave to report at any time, and to extend the privilege would prevent expeditious handling of appropriation bills. Mr. Blount's motion was therefore voted down without a division.

While in the debate the pretense of facilitating routine business was ordinarily kept up, occasional intimations of actual ulterior purpose leaked out, as when John B. Storm of Pennsylvania remarked that it was a valuable feature of the rules that they did hamper action and "that the country which is least governed is the best governed, is a maxim in strict accord with the idea of true civil liberty."

William McKinley was also of the opinion that barriers were needed "against the wild projects and visionary schemes which will find advocates in this House." Some years later, when the subject was again up for discussion, Thomas B. Reed went to the heart of the situation when he declared that the rules had been devised not to facilitate action but to obstruct it, for "the whole system of business here for years has been to seek methods of shirking, not of meeting, the questions which the people present for the consideration of their representatives. Peculiar circumstances have caused this. For a long time one section of the country largely dominated the other. That section of the country was constantly apprehensive of danger which might happen at any time by reason of an institution it was maintaining. Very naturally all the rules of the House were bent for the obstruction of action on the part of Congress." It may be added that these observations apply even more forcibly to the rules of the Senate. The privilege of unrestricted debate was not originally granted by those rules but was introduced as a means of strengthening the power of sectional resistance to obnoxious legislation.

The revision of the rules in 1885, then, was not

designed really to facilitate action by the House, but rather to effect a transfer of the power to rule the House. It was at least clear that under the proposed changes the chairman of the committee on appropriations would no longer retain such complete mastery as Randall had wielded, and this was enough to insure the adoption of the majority report. The minority report opposed this weakening of control on the ground that it would be destructive of orderly and responsible management of the public funds. Everything which Randall said on that point has since been amply confirmed by much sad experience. Although some leading Republicans, among whom was Joseph G. Cannon of Illinois, argued strongly in support of Randall's views, the temper of the House was such that the majority in favor of the change was overwhelming, and on December 18, 1885, the Morrison plan was finally adopted without a roll call.

The hope that the change in organization would expedite action on appropriation bills was promptly disappointed. Only one of the fourteen regular appropriation bills became law before the last day of the fiscal year. The duress to which the House was subject became tighter and harder than before, and the Speakership entered upon a development

unparalleled in constitutional history. The Speaker was practically in a position to determine what business the House might consider and what it might not, and the circumstances were such as to breed a belief that it was his duty to use his discretion where a choice presented itself. It is obvious that, when on the floor of the House there are a number of applicants for recognition, the Speaker must choose between them. All cannot be allowed to speak at once. There is no chance to apply the shop rule, "first come first served," for numerous applications for the floor come at the same time. Shall the Speaker choose at random or according to some definite principle of selection? In view of the Speaker's interest in the welfare of the party which raised him to the office, he would naturally inquire in advance the purpose for which the recognition of the chair was desired. It was a manifest step towards orderly procedure in session, however, when instead of crowding around the clerk's desk bawling for recognition, members applied to the Speaker in advance. In Speaker Blaine's time this had become a regular practice, and ever since then a throng of members at the Speaker's office trying to arrange with him for recognition has been a daily occurrence during a

legislative session. Samuel W. McCall, in his work on *The Business of Congress*, says that the Speaker "usually scrutinizes the bill and the committee's report upon it, and in case of doubt he sometimes refers them to a member in whom he has confidence, for a more careful examination than he himself has time to give."

Under Speaker Carlisle this power to censor proposals was made conspicuous through the factional war in the Democratic party. For several sessions of Congress a bill had been pending to repeal the internal revenue taxes upon tobacco, and it had such support that it might have passed if it could have been reached for consideration. On February 5, 1887, a letter was addressed to Speaker Carlisle, by three prominent Democrats, Samuel J. Randall, of Pennsylvania, George D. Wise of Virginia, and John S. Henderson of North Carolina, saying: "At the instance of many Democratic members of the House, we appeal to you earnestly to recognize on Monday next, some Democrat who will move to suspend the rules for the purpose of giving the House an opportunity of considering the question of the total repeal of the internal revenue taxes on tobacco." The letter went on to argue that it would be bad policy to let

a Republican have credit for a proposal, which it was declared "will command more votes than any other measure pending before the House looking towards a reduction in taxation; and favorable action on this proposition will not interfere with other efforts that are being made to reduce the burden of the people."

Speaker Carlisle, however, refused to allow the House to consider the matter, on the ground that negotiations with Randall and his friends for concerted party action had so far been fruitless. "Among other things," he wrote, "we proposed to submit the entire subject to a caucus of our political friends, with the understanding that all parties would abide by the result of its action. . . . We have received no response to that communication, and I consider that it would not be proper under the circumstances, for me to agree to a course of action which would present to the House a simple proposition for the repeal of the internal revenue tax on tobacco, snuff and cigars, to the exclusion of all other measures for the reduction of taxation." The letter closed by "sincerely hoping that some plan may yet be devised which will enable the House to consider the whole subject of revenue reduction."

No one was less of an autocrat in temper and habit of thought than Speaker Carlisle, and he assumed this position in deference to a recognized function of his office, supported by a long line of precedents. The case was therefore a signal illustration of the way in which the House has impaired its ability to consider legislation by claiming the exclusive privilege of proposing legislation. If the rules had allowed the President to propose his measures directly to the House, then the way would have been opened for a substitute or an amendment. As it was, the House was able to act only upon matters within the control of a few persons advantageously posted, and none of the changes of rules that have been made from time to time have seriously disturbed this fundamental situation.

Notwithstanding the new rules adopted in December, 1885, nothing of importance was accomplished by the House. On February 15, 1886, William R. Morrison introduced a tariff bill making a moderate reduction in rates of duty, which, after considerable amendment in the committee of ways and means, was reported to the House on the 12th of April, but no further action was taken until the 17th of June, when Morrison moved that the House go into committee of the whole to consider the bill.

Thirty-five Democrats voted with the Republicans against the motion, which was defeated by 157 nays to 140 yeas. No further attempt was made to take up the bill during that session and in the ensuing fall Morrison was defeated as a candidate for reëlection. Before leaving Congress he tried once more to obtain consideration of his bill but in vain. Just as that Congress was expiring, John S. Henderson of North Carolina was at last allowed to move a suspension of the rules in order to take a vote on a bill to reduce internal revenue taxes, but he failed to obtain the two-thirds vote required for suspension of the rules.

That the proceedings of the Forty-ninth Congress were not entirely fruitless was mainly due to the initiative and address of the Senate. Some important measures were thus pushed through, among them the act regulating the presidential succession and the act creating the Interstate Commerce Commission. The first of these provided for the succession of the heads of departments in turn, in case of the removal, death, resignation, or inability of both the President and the Vice-President.

The most marked legislative achievement of the House was an act regulating the manufacture and sale of oleomargarine, to which the Senate assented

with some amendment, and which was signed with reluctance by the President, after a special message to the House sharply criticizing some of the provisions of the act. A bill providing for arbitration of differences between common carriers and their employees was passed by the Senate without a division, but it did not reach the President until the closing days of the session and failed of enactment because he did not sign it before the final adjournment. Taken as a whole, then, the record of the Congress elected in 1884 showed that, while the Democratic party had the Presidency and the House of Representatives, the Republican party, although defeated at the polls, still controlled public policy through the agency of the Senate.

CHAPTER VI

PRESIDENTIAL KNIGHT-ERRANTRY

ALTHOUGH President Cleveland decisively repelled the Senate's attempted invasion of the power of removal belonging to his office, he was still left in a deplorable state of servitude through the operation of old laws based upon the principle of rotation in office. The Acts of 1820 and 1836 limiting commissions to the term of four years, forced him to make numerous appointments which provoked controversy and made large demands upon his time and thought. In the first year of his administration he sent about two thousand nominations to the Senate, an average of over six a day, assuming that he was allowed to rest on Sunday. His freedom of action was further curtailed by an Act of 1863, prohibiting the payment of a salary to any person appointed to fill a vacancy existing while the Senate was in session, until the appointment had been confirmed by the Senate. The President was thus

placed under a strict compulsion to act as a party employment agent.

If it is the prime duty of a President to act in the spirit of a reformer, Cleveland is entitled to high praise for the stanchness with which he adhered to his principles under most trying circumstances. Upon November 27, 1885, he approved rules confirming and extending the civil service regulations. Charges that Collector Hedden of the New York Customs House was violating the spirit of the Civil Service Act and was making a party machine of his office caused the Civil Service Commission to make an investigation which resulted in his resignation in July, 1886. On the 10th of August, Daniel Magone of Ogdensburg, New York, a widely known lawyer, was personally chosen by the President with a view to enforcing the civil service law in the New York Customs House. Before making this appointment, President Cleveland issued an order to all heads of departments warning all office-holders against the use of their positions to control political movements in their localities. "Office-holders," he declared, "are the agents of the people, not their masters. They have no right, as office-holders, to dictate the political action of their associates, or to throttle freedom of action within party

lines by methods and practices which prevent every useful and justifiable purpose of party organization." In August, President Cleveland gave signal evidence of his devotion to civil service reform by appointing a Republican, because of his special qualifications, to be chief examiner for the Civil Service Commission.

Democratic party workers were so angered and disgusted by the President's policy that any mention of his name was enough to start a flow of coarse denunciation. Strong hostility to his course of action was manifested in Congress. Chairman Randall of the committee on appropriations threatened to cut off the appropriation for office room for the commission. A "rider" to the legislative appropriation bill, striking at the civil service law, caused a vigorous debate in the House in which leading Democrats assailed the Administration, but eventually the "rider" was ruled out on a point of order. In the Senate, such party leaders as Vance of North Carolina, Saulsbury of Delaware, and Voorhees of Indiana, openly ridiculed the civil service law, and various attempts to cripple it were made but were defeated. Senator Vance introduced a bill to repeal the law, but it was indefinitely postponed by a vote of 33 to 6, the

affirmative vote being cast mainly by Republicans; and in general the strongest support for the law now came from the Republican side. Early in June, 1887, an estimate was made that nine thousand civil offices outside the scope of the civil service rules were still held by Republicans. The Republican party press gloated over the situation and was fond of dwelling upon the way in which old-line Democrats were being snubbed while the Mugwumps were favored. At the same time civil service reformers found much to condemn in the character of Cleveland's appointments. A special committee of the National Civil Service Reform League, on March 30, 1887, published a report in which they asserted that, "tried by the standard of absolute fidelity to the reform as it is understood by this League, it is not to be denied that this Administration has left much to be desired." At a subsequent session of the League, its President, George William Curtis, proclaimed that the League did not regard the Administration as "in any strict sense of the words a civil service reform administration." Thus while President Cleveland was alienating his regular party support he was not getting in return any dependable support from the reformers. He seemed

to be sitting down between two stools, both tilting to let him fall.

Meanwhile he went on imperturbably doing his duty as he saw it. Like many of his predecessors, he would rise early to get some time to attend to public business before the rush of office seekers began, but the bulk of his day's work lay in the discharge of his compulsory duties as an employment agent. Many difficult situations were created by contentions among Congressmen over appointments. It was Cleveland's habit to deal with these cases by homely expostulation and by pleas for mutual concessions. Such incidents do not of course go upon record, and it is only as memoirs and reminiscences of public men are published that this personal side of history becomes known. Senator Cullom of Illinois in his *Fifty Years of Public Service* gives an account that doubtless fairly displays Cleveland's way of handling his vexatious problems. "I happened to be at the White House one day, and Mr. Cleveland said to me, 'I wish you would take up Lamar's nomination and dispose of it. I am between hay and grass with reference to the Interior Department. Nothing is being done there; I ought to have some one on duty, and I cannot do anything until you dispose of Lamar.'"

Mr. Lamar, who had entered the Cabinet as Secretary of the Interior, was nominated for associate justice of the Supreme Court on December 6, 1887. He had been an eminent member of the Senate, with previous distinguished service in the House, so that the Senate must have had abundant knowledge of his character and attainments. It is impossible to assign the delay that ensued to reasonable need of time for inquiry as to his qualifications, but Senator Cullom relates that "the nomination pended before the Judiciary Committee for a long time." Soon after the personal appeal which was made by the President to every Senator he could reach, action was finally taken and the appointment was confirmed January 16, 1888.

Senator Cullom's reminiscences also throw light upon the process by which judges are appointed. President Cleveland had selected Melville W. Fuller of Illinois for the office of chief justice of the Supreme Court. According to Senator Cullom, Senator Edmunds "was very much out of humor with the President because he had fully expected that Judge Phelps, of his own State, was to receive the honor. . . . The result was that Senator Edmunds held the nomination, without any action, in the Judiciary Committee for some three months."

Senator Cullom, although a party associate of Edmunds, was pleased that the President had selected an Illinois jurist and he was determined that, if he could help it, Edmunds should not have the New England candidate appointed. He therefore appealed to the committee to do something about the nomination, either one way or the other. The committee finally reported the nomination to the Senate without recommendation. When the matter came up in executive session, "Senator Edmunds at once took the floor and attacked Judge Fuller most viciously as having sympathized with the rebellion." But Cullom was primed to meet that argument. He had been furnished with a copy of a speech attacking President Lincoln which Phelps had delivered during the war, and he now read it to the Senate, "much to the chagrin and mortification of Senator Edmunds." Cullom relates that the Democrats in the Senate enjoyed the scene. "Naturally, it appeared to them a very funny performance, two Republicans quarreling over the confirmation of a Democrat. They sat silent, however, and took no part at all in the debate, leaving us Republicans to settle it among ourselves." The result of the Republican split was that the nomination of Fuller was confirmed "by a substantial majority."

Another nomination which caused much agitation at the time was that of James C. Matthews of New York to be Recorder of Deeds in the District of Columbia. The office had been previously held by Frederick Douglass, a distinguished leader of the colored race, and in filling the vacancy the President believed it would be an exercise of wise and kindly consideration to choose a member of the same race. But in the Washington community there was such a strong antipathy to the importation of a negro politician from New York to fill a local office that a great clamor was raised, in which Democrats joined. The Senate rejected the nomination, but meanwhile Mr. Matthews had entered upon the duties of his office and he showed such tact and ability as gradually to soften the opposition. On December 21, 1886, President Cleveland renominated him, pointing out that he had been in actual occupation of the office for four months, managing its affairs with such ability as to remove "much of the opposition to his appointment which has heretofore existed." In conclusion, the President confessed "a desire to coöperate in tendering to our colored fellow-citizens just recognition." This was a shrewd argument. The Republican majority in the Senate shrank from what might seem to

be drawing the color line, and the appointment was eventually confirmed; but this did not remove the sense of grievance in Washington over the use of local offices for national party purposes. Local sentiment in the District of Columbia is, however, politically unimportant, as the community has no means of positive action.¹

In the same month in which President Cleveland issued his memorable special message to the Senate on the Tenure of Office Act, he began another struggle against congressional practice in which he was not so fortunate. On March 10, 1886, he sent to Congress the first of his pension vetoes. Although liberal provision for granting pensions had been made by general laws, numerous special applications were made directly to Congress, and congressmen were solicited to secure favorable consideration for them. That it was the duty of a representative to support an application from a resident of his district was a doctrine enforced by claim agents with a pertinacity from which there was no escape. To attempt to assume a judicial attitude in the matter was politically dangerous,

¹ It is a singular fact, which contains matter for deep consideration, that the District of Columbia, the national capital, is the only populated area in the civilized world without any sort of suffrage rights.

and to yield assent was a matter of practical convenience. Senator Cullom relates that when he first became a member of the committee on pensions he was "a little uneasy" lest he "might be too liberal." But he was guided by the advice of an old, experienced Congressman, Senator Sawyer of Wisconsin, who told him: "You need not worry, you cannot very well make a mistake allowing liberal pensions to the soldier boys. The money will get back into the Treasury very soon."

The feeling that anything that the old soldiers wanted should be granted was even stronger in the House, where about the only opportunity of distinction allowed by the procedure was to champion these local demands upon the public treasury. It was indeed this privilege of passing pension bills which partially reconciled members of the House to the actual control of legislative opportunity by the Speaker and the chairmen of a few dominating committees. It was a congressional perquisite to be allowed to move the passage of so many bills; enactment followed as a matter of course. President Cleveland made a pointed reference to this process in a veto message of June 21, 1886. He observed that the pension bills had only "an apparent Congressional sanction" for the fact was that "a large

proportion of these bills have never been submitted to a majority of either branch of Congress, but are the results of nominal sessions held for the express purpose of their consideration and attended by a small minority of the members of the respective houses of the legislative branch of government."

Obviously the whole system of pension legislation was faulty. Mere individual effort on the part of the President to screen the output of the system was scarcely practicable even if it were congruous with the nature of the President's own duties; but nevertheless Cleveland attempted it, and kept at it with stout perseverance. One of his veto messages remarks that in a single day nearly 240 special pension bills were presented to him. He referred them to the Pension Bureau for examination and the labor involved was so great that they could not be returned to him until within a few hours of the limit fixed by the Constitution for the President's assent.

There could be no more signal proof of President Cleveland's constancy of soul than the fact that he was working hard at his veto forge, with the sparks falling thickly around, right in his honeymoon. He married Miss Frances Folsom of Buffalo on June 2, 1886. The ceremony took place in the

White House, and immediately thereafter the President and his charming bride went to Deer Park, Maryland, a mountain resort. The respite from official cares was brief; on June 8th, the couple returned to Washington and some of the most pugnacious of the pension vetoes were sent to Congress soon after. The rest of his public life was passed under continual storm, but the peace and happiness of his domestic life provided a secure refuge.

On the other hand, the rebuffs which Democratic Congressmen received in the matter of pension legislation were, it must be admitted, peculiarly exasperating. Reviewing the work of the Forty-ninth Congress, *The Nation* mentioned three enactments which it characterized as great achievements that should be placed to the credit of Congress. Those were the act regulating the presidential succession, approved January 18, 1886; the act regulating the counting of the electoral votes, approved February 3, 1887; and the repeal of the Tenure of Office Act, approved March 3, 1887. But all three measures originated in the Senate, and the main credit for their enactment might be claimed by the Republican party. There was some ground for the statement that they would have been enacted sooner but for the disturbance of legislative

routine by political upheavals in the House; and certainly no one could pretend that it was to get these particular measures passed that the Democratic party was raised to power. The main cause of the political revolution of 1884 had been the continuance of war taxes, producing revenues that were not only not needed but were positively embarrassing to the Government. Popular feeling over the matter was so strong that even the Republican party had felt bound to put into its national platform, in 1884, a pledge "to correct the irregularities of the tariff and to reduce the surplus." The people, however, believed that the Republican party had already been given sufficient opportunity, and they now turned to the Democratic party for relief. The rank and file of this party felt acutely, therefore, that they were not accomplishing what the people expected. Members arrived in Washington full of good intentions. They found themselves subject to a system which allowed them to introduce all the bills they wanted but not to obtain action upon them. Action was the prerogative of a group of old hands who managed the important committees and who were divided among themselves on tariff policy. And now the little bills which, by dint of persuasion and

bargaining, they had first put through the committees, and then through both Houses of Congress, were cut down by executive veto, turning to their injury what they had counted upon to help them in their districts.

During the campaign, Democratic candidates had everywhere contended that they were just as good friends of the old soldiers as the Republicans. Now they felt that to make good this position they must do something to offset the effect of President Cleveland's vetoes. In his messages he had favored "the most generous treatment to the disabled, aged and needy among our veterans"; but he had argued that it should be done by general laws, and not by special acts for the benefit of particular claimants. The Pension Committee of the House responded by reporting a bill "for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support." It passed the House by a vote of 180 to 76, with 63 not voting, and it passed the Senate without a division. On the 11th of February, President Cleveland sent in his veto, accompanied by a message pointing out in the language of the act defects and ambiguities which he believed would "but put a further

premium on dishonesty and mendacity." He reiterated his desire that provision should be made "for those who, having served their country long and well, are reduced to destitution and dependence," but he did not think that the bill was a proper means of attaining that object. On the 19th of February, the House committee on pensions submitted an elaborate report on the veto, in which they recited the history of the bill and the reasons actuating the committee. Extracts from Cleveland's messages were quoted, and the committee declared that, in "heartly accord with these views of the President and largely in accordance with his suggestions, they framed a bill which they then thought, and still continue to think, will best accomplish the ends proposed." A motion to pass the bill over the veto on the 24th of February, received 175 votes to 125, but two-thirds not having voted in the affirmative the bill failed to pass. The Republicans voted solidly in support of the bill, together with a large group of Democrats. The negative vote came wholly from the Democratic side. Such a fiasco amounted to a demonstration of the lack of intelligent leadership. If the President and his party in Congress were coöperating for the furtherance of the same objects, as both averred,

it was discreditable all around that there should have been such a complete misunderstanding as to the procedure.

Meanwhile the President was making a unique record by his vetoes. During the period of ninety-six years from the foundation of the Government down to the beginning of Cleveland's administration, the entire number of veto messages was 132. In four years, Cleveland sent in 301 veto messages, and in addition he practically vetoed 109 bills by inaction. Of 2042 private pension bills passed by Congress, 1518 were approved and 284 became laws by lapse of time without approval. The positive results of the President's activity were thus inconsiderable, unless incidentally he had managed to correct the system which he had opposed. That claim, indeed, was made in his behalf when *The Nation* mentioned "the arrest of the pension craze" as a "positive achievement of the first order."¹ But far from being arrested, "the pension craze" was made the more furious, and it soon advanced to extremes unknown before.

The Democratic politicians naturally viewed with dismay the approach of the national election of 1888. Any one could see that the party was

¹ March 19, 1887.

drifting on to the rocks and nobody deemed to be at the helm. According to William R. Morrison, who certainly had been in a position to know, President Cleveland had "up to this time taken no decided ground one way or the other on the question of tariff." He had included the subject in the long dissertation on the state of the Union which ever since Jefferson's time, the President has been wont to send to Congress at the opening of a session, but he had not singled it out as having precedence. He now surprised the country, roused his party, and gave fresh animation to national politics on December 6, 1887, by devoting his third annual message wholly to the subject of taxation and revenue. He pointed out that the treasury surplus was mounting up to \$140,000,000; that the redemption of bonds which had afforded a means for disbursement of excess revenues had stopped because there were no more bonds that the Government had a right to redeem, and that hence the Treasury "idly holds money uselessly subtracted from the channels of trade," a situation from which monetary derangement and business distress would naturally ensue. He strongly urged that the "present tariff laws, the vicious, inequitable and illogical source of unnecessary taxation, ought to be at

once revised and amended." Cleveland gave a detailed analysis of the injurious effects which the existing tariff had upon trade and industry, and went on to remark that "progress toward a wise conclusion will not be improved by dwelling upon the theories of protection and free trade. This savors too much of bandying epithets. It is a condition which confronts us, not a theory." The effect of the message was very marked both upon public opinion and party activity. Mr. Morrison correctly summed up the party effect in saying that "Mr. Mills, obtaining the substantial support of the Administration, was enabled to press through the House a bill differing in a very few essential measures from, and combining the general details and purposes of, the several measures of which I have been the author, and which had been voted against by many of those who contributed to the success of the Mills Bill."

An incident which attracted great notice because it was thought to have a bearing on the President's policy of tariff revision was the veto of the Allentown Public Building Bill. This bill was of a type which is one of the rankest growths of the Congressional system — the grant of money not for the needs of public service but as a district favor. It

appropriated \$100,000 to put up a post-office building at Allentown, Pennsylvania, where adequate quarters were being occupied by the post-office at an annual rent of \$1300. President Cleveland vetoed the bill simply on the ground that it proposed an unnecessary expenditure, but the fact was at once noted that the bill had been fathered by Congressman Snowden, an active adherent of Randall in opposition to the tariff reform policy of the Administration. The word went through Congress and reverberated through the press that "there is an Allentown for every Snowden." Mr. Morrison said in more polite phrase what came to the same thing when he observed that "when Mr. Cleveland took decided ground in favor of revision and reduction, he represented the patronage of the Administration, in consequence of which he was enabled to enforce party discipline, so that a man could no longer be a good Democrat and favor anything but reform of the tariff."

After the Mills Bill had passed the House¹ and had been sent to the Senate, it was held in committee until October 3, 1888. When it emerged it

¹ The Mills Bill was passed July 21, 1888, yeas 162, nays 149, not voting 14. Randall, Snowden, and two other Democrats joined the Republicans in voting against the bill.

carried an amendment which was in effect a complete substitute, but it was not taken up for consideration until after the presidential election, and it was meant simply as a Republican alternative to the Mills Bill for campaign use. Consideration of the bill began on the 5th of December and lasted until the 22nd of January when the bill was returned to the House transformed into a new measure. It was referred to the Ways and Means Committee, and Chairman Mills reported it back with a resolution setting forth that "the substitution by the Senate under the form of an amendment . . . of another and different bill," is in conflict with the section of the Constitution which "vests in the House of Representatives the sole power to originate such a measure." The House refused to consider the resolution, a number of Democrats led by Mr. Randall voting with the Republicans in the negative. No further action was taken on the bill and since that day the House has never ventured to question the right of the Senate to amend tax bills in any way and to any extent. As Senator Cullom remarks in his memoirs, the Democrats, although they had long held the House and had also gained the Presidency, "were just as powerless to enact legislation as they had been before."

CHAPTER VII

THE PUBLIC DISCONTENTS

WHILE President and Congress were passing the time in mutual obstruction, the public discontents were becoming hot and bitter to a degree unknown before. A marked feature of the situation was the disturbance of public convenience, involving loss, trouble, and distress which were vast in extent but not easily expressed in statistical form. The first three months of 1886 saw an outbreak of labor troubles far beyond any previous record in their variety and extent. In 1885 the number of strikes reported was 645 affecting 2284 establishments, a marked increase over preceding years. In 1886 the number of strikes rose to 1411, affecting 9861 establishments and directly involving 499,489 persons. The most numerous strikes were in the building trades, but there were severe struggles in many other industries. There was, for example, an interruption of business on the New York

elevated railway and on the street railways of New York, Brooklyn, and other cities.

But the greatest public anxiety was caused by the behavior of the Knights of Labor, an organization then growing so rapidly that it gave promise of uniting under one control the active and energetic elements of the working classes of the country. It started in a humble way in December, 1869, among certain garment cutters in Philadelphia, and for some years spread slowly from that center. The organization remained strictly secret until 1878, in which year it held a national convention of its fifteen district assemblies at Reading, Pennsylvania. The object and principles of the order were now made public, and thereafter it spread with startling rapidity, so that in 1886 it pitted its strength against public authority with a membership estimated at from 500,000 to 800,000. Had this body been an army obedient to its leaders, it would have wielded great power; but it turned out to be only a mob. Its members took part in demonstrations which were as much mutinies against the authority of their own executive board as they were strikes against their employers. The result of this lack of organization soon began to be evident. In March, 1886, the receiver of the Texas Pacific

Railroad discharged an employee prominent in the Knights of Labor and thus precipitated a strike which was promptly extended to the Missouri Pacific. There were riots at various points in Missouri and Kansas, and railroad traffic at St. Louis was completely suspended for some days, but the strike was eventually broken. The Knights of Labor, however, had received a blow from which it never recovered, and as a result its membership declined. The order has since been almost wholly superseded by the American Federation of Labor, established in 1886 through shrewd management by an association of labor unions which had been maintained since 1881. The Knights had been organized by localities with the aim of merging all classes of working men into one body. The Federation, on the other hand, is composed of trades unions retaining their autonomy — a principle of organization which has proved to be more solid and durable.

To these signs of popular discontent the Government could not be blind. A congressional committee investigated the railroad strikes, and both parties in Congress busied themselves with labor legislation. But in spite of this apparent willingness to cope with the situation, there now followed another display of those cross purposes which occurred so

often during the Cleveland administration. The House had already passed a bill providing means of submitting to arbitration controversies between railroads engaged in interstate commerce and their employees. President Cleveland now sent a special message recommending that "instead of arbitrators chosen in the heat of conflicting claims, and after each dispute shall arise, there be created a Commission of Labor, consisting of three members, who shall be regular officers of the government, charged among other duties with the consideration and settlement when possible, of all controversies between labor and capital." In spite of the urgency of the situation, the Senate seized this occasion for a new display of party tactics, and it allowed the bill already passed by the House to lie without action while it proceeded to consider various labor measures of its own. For example, by June 1, 1886, the Senate had passed a bill providing that eight hours should be a day's work for letter-carriers; soon afterwards it passed a bill legalizing the incorporation of national trades unions, to which the House promptly assented without a division; and the House then continued its labor record by passing on the 15th of July a bill against the importation of contract labor. This last bill

was not passed by the Senate until after the fall elections. It was approved by the President on February 23, 1887.

The Senate also delayed action on the House bill, which proposed arbitration in labor disputes, until the close of the session; and then the President, in view of his disregarded suggestion, withheld his assent. It was not until the following year that the legislation recommended by the President was enacted. By the Act of June 13, 1888, the Department of Labor was established, and by the Act of October 1, 1888, in addition to provision for voluntary arbitration between railroad corporations and their employees, the President was authorized to appoint a commission to investigate labor conflicts, with power to act as a board of conciliation. During the ten years in which the act remained on the statute books it was actually put to use only in 1894, when a commission was appointed to investigate the Pullman strike at Chicago, but this body took no action towards settling the dispute.

Thus far, then, the efforts of the Government to deal with the labor problem had not been entirely successful. It is true that the labor conflicts arose over differences which only indirectly involved constitutional questions. The aims of both the

Knights of Labor and of the American Federation were primarily economic and both organizations were opposed to agitation of a distinctively political character. But parallel with the labor agitation and in communication with it there were radical reform movements of a type unknown before. There was now to arise a socialistic movement opposed to traditional constitutionalism and therefore viewed with alarm in many parts of the country. Veneration of the Constitution of 1787 was practically a national sentiment which had lasted from the time the Union was successfully established until the Cleveland era. However violent political differences in regard to public policy might be, it was the invariable rule that proposals must claim a constitutional sanction. In the Civil War both sides felt themselves to be fighting in defense of the traditional Constitution.

The appeal to antiquity — even such a moderate degree of antiquity as may be claimed for American institutions — has always been the staple argument in American political controversy. The views and intentions of the Fathers of the Constitution are exhibited not so much for instruction as for imitation, and by means of glosses and interpretations conclusions may be reached which would

have surprised the Fathers to whom they are imputed. Those who examine the records of the formative period of American institutions, not to obtain material for a case but simply to ascertain the facts, will readily observe that what is known as the principle of strict construction dates only from the organization of national parties under the Constitution. It was an invention of the opposition to Federalist rule and was not held by the makers of the Constitution themselves. The main concern of the framers was to get power for the National Government and they went as far as they could, with such success that striking instances may be culled from the writings of the Fathers showing that the scope they contemplated has yet to be attained. Strict construction affords a short and easy way of avoiding troublesome issues — always involved in unforeseen national developments — by substituting the question of constitutional power for a question of public propriety. But this method has the disadvantage that it belittles the Constitution by making it an obstacle to progress. Running through much political controversy in the United States is the argument that, even granting that a proposal has all the merit claimed for it, nevertheless it cannot be adopted

because the Constitution is against it. By strict logical inference the rejoinder then comes that, if so, the Constitution is no longer an instrument of national advantage. The traditional attachment of the American people to the Constitution has indeed been so strong that they have been loath to accept the inference that the Constitution is out of date, although the quality of legislation at Washington kept persistently suggesting that view of the case.

The failures and disappointments resulting from the series of national elections from 1874 to 1884 at last made an opening for party movements voicing the popular discontent and openly antagonistic to the traditional Constitution. The Socialist Labor party held its first national convention in 1877. Its membership was mostly foreign; of twenty-four periodical publications then carried on in the party interest, only eight were in the English language; and this polyglot press gave justification to the remark that the movement was in the hands of people who proposed to remodel the institutions of the country before they had acquired its language. The alien origin of the movement was emphasized by the appearance of two Socialist members of the German Reichstag, who made a tour of

this country in 1881 to stir up interest in the cause. It was soon apparent that the growth of the Socialist party organization was hindered by the fact that its methods were too studious and its discussions too abstract to suit the energetic temper of the times. Many Socialists broke away to join revolutionary clubs which were now organized in a number of cities without any clearly defined principle save to fight the existing system of government.

At this critical moment in the process of social disorganization, the influence of foreign destructive thought made itself felt. The arrival of Johann Most from Europe in the fall of 1882 supplied this revolutionary movement with a leader who made anarchy its principle. Originally a German Socialist aiming to make the State the sole landlord and capitalist, he had gone over to anarchism and proposed to dissolve the State altogether, trusting to voluntary association to supply all genuine social needs. Driven from Germany, he had taken refuge in England, but even the habitual British tolerance had given way under his praise of the assassination of the Czar Alexander in 1881 and his proposal to treat other rulers in the same way. He had just completed a term of imprisonment

before coming to the United States. Here he was received as a hero; a great mass meeting in his honor was held in Cooper Union, New York, in December, 1882; and when he toured the country he everywhere addressed large meetings.

In October, 1883, a convention of social revolutionists and anarchists was held in Chicago, at which a national organization was formed called the International Working People's Association. The new organization grew much faster than the Socialist party itself, which now almost disappeared. Two years later, the International had a party press consisting of seven German, two Bohemian, and only two English papers. Like the Socialist party, it was therefore mainly foreign in its membership. It was strongest in and about Chicago, where it included twenty groups with three thousand enrolled members. The anarchist papers exhorted their adherents to provide themselves with arms and even published instructions for the use of dynamite.

Political and industrial conditions thus supplied material for an explosion which came with shocking violence. On May 4, 1886, towards the close of an anarchist meeting held in Chicago, a dynamite bomb thrown among a force of policemen killed one

and wounded many. Fire was at once opened on both sides, and, although the battle lasted only a few minutes, seven policemen were killed and about sixty wounded, while on the side of the anarchists four were killed and about fifty were wounded. Ten of the anarchist leaders were promptly indicted, of whom one made his escape and another turned State's evidence. The trial of the remaining eight began on June 21, 1886, and two months later the death sentence was imposed upon seven and a penitentiary term of fifteen years upon one. The sentences of two of the seven were commuted to life imprisonment; one committed suicide in his cell by exploding a cartridge in his mouth; and four met death on the scaffold. While awaiting their fate they were to a startling extent regarded as heroes and bore themselves as martyrs to a noble cause. Six years later Illinois elected as governor John P. Altgeld, one of whose first steps was to issue a pardon to the three who were serving terms of imprisonment and to criticize sharply the conduct of the trial which had resulted in the conviction of the anarchists.

✓ The Chicago outbreak and its result stopped the open spread of anarchism. Organized labor now withdrew from any sort of association with it. This

cleared the field for a revival of the Socialist movement as the agency of social and political reconstruction. So rapidly did it gain in membership and influence that by 1892 it was able to present itself as an organized national party appealing to public opinion for confidence and support, submitting its claims to public discussion, and stating its case upon reasonable grounds. Although its membership was small in comparison with that of the old parties, yet the disparity was not so great as it seemed, since the Socialists represented active intelligence while the other parties represented political inertia. From this time on, Socialist views spread among college students, artists, and men of letters, and the academic Socialist became a familiar figure in American society.

Probably more significant than the Socialist movement as an indication of the popular demand for radical reform in the government of the country was the New York campaign of Henry George in 1886. He was a San Francisco printer and journalist when he published the work on *Progress and Poverty* which made him famous. Upon the petition of over thirty thousand citizens he became the Labor candidate for mayor of New York City. The movement in support of George developed so

much strength that the regular parties felt compelled to put forward exceptionally strong candidates. The Democrats nominated Abram S. Hewitt, a man of the highest type of character — a fact which was not perhaps so influential in getting him the nomination as that he was the son-in-law of Peter Cooper, a philanthropist justly beloved by the working classes. The Republicans nominated Theodore Roosevelt, who had already distinguished himself by his energy of character and zeal for reform. Hewitt was elected, but George received 68,110 votes out of a total of 219,679, and stood second in the poll. His supporters contended that he had really been elected but had been counted out, and this belief turned their attention to the subject of ballot reform. To the agitation which Henry George began may be fairly ascribed the general adoption of the Australian ballot in the United States.

The Socialist propaganda carried on in large cities and in factory towns hardly touched the great mass of the people of the United States, who belonged to the farm rather than to the workshop. The great agricultural class, which had more weight at the polls than any other class of citizens, was much interested in the redress of particular

grievances and very little in any general reform of the governmental system. It is a class that is conservative in disposition but distrustful of authority, impatient of what is theoretical and abstract, and bent upon the quick practical solution of problems by the nearest and simplest means. While the Socialists in the towns were interested in labor questions, the farmers more than any other class were affected by the defective system of currency supply. The national banking system had not been devised to meet industrial needs but as a war measure to provide a market for government bonds, deposits of which had to be made as the basis of note issues. As holdings of government bonds were amassed in the East, financial operations tended to confine themselves to that part of the country, and banking facilities seemed to be in danger of becoming a sectional monopoly, and such, indeed, was the case to a marked extent. This situation inspired among the farmers, especially in the agricultural West, a hatred of Wall Street and a belief in the existence of a malign money power which provided an inexhaustible fund of sectional feeling for demagogic exploitation.

For lack of proper machinery of credit for carrying on the process of exchange there seemed to be

an absolute shortage in the amount of money in circulation, and it was this circumstance that had given such force to the Greenback Movement. Although that movement was defeated, its supporters urged that, if the Government could not supply additional note issues, it should at least permit an increase in the stock of coined money. This feeling was so strong that as early as 1877 the House had passed a bill for the free coinage of silver. For this the Senate substituted a measure requiring the purchase and coinage by the Government of from two to four million dollars' worth of silver monthly, and this compromise was accepted by the House. As a result, in February, 1878, it was passed over President Hayes's veto.

The operation of this act naturally tended to cause the hoarding of gold as the cheaper silver was equally a legal tender, and meanwhile the silver dollars did not tend to pass into circulation. In 1885, in his first annual message to Congress, President Cleveland mentioned the fact that, although 215,759,431 silver dollars had been coined, only about fifty million had found their way into circulation, and that "every month two millions of gold in the public Treasury are paid out for two millions or more of silver dollars to be added to the idle mass

already accumulated." The process was draining the stock of gold in the Treasury and forcing the country to a silver basis without really increasing the amount of money in actual circulation or removing any of the difficulties in the way of obtaining supplies of currency for business transactions. President Cleveland recommended the repeal of the Silver Coinage Act, but he had no plan to offer by which the genuine complaints of the people against the existing monetary system could be removed. Free silver thus was allowed to stand before the people as the only practical proposal for their relief, and upon this issue a conflict soon began between Congress and the Administration.

At a convention of the American Bankers' Association in September, 1885, a New York bank president described the methods by which the Treasury Department was restricting the operation of the Silver Coinage Act so as to avoid a displacement of the gold standard. On February 3, 1886, Chairman Bland of the House committee on coinage reported a resolution reciting statements made in that address, and calling upon the Secretary of the Treasury for a detailed account of his administration of the Silver Coinage Act. Secretary Manning's reply was a long and weighty argument against

continuing the coinage of silver. He contended that there was no hope of maintaining a fixed ratio between gold and silver except by international concert of action, but "the step is one which no European nation . . . will consent to take while the direct or indirect substitution of European silver for United States gold seems a possibility." While strong as to what not to do, his reply, like most of the state papers of this period, was weak as to what to do and how to do it. The outlook of the Secretary of the Treasury was so narrow that he was led to remark that "a delusion has spread that the Government has authority to fix the amount of the people's currency, and the power, and the duty." The Government certainly has the power and the duty of providing adequate currency supply through a sound banking system. The instinct of the people on that point was sounder than the view of their rulers.

Secretary Manning's plea had so little effect that the House promptly voted to suspend the rules in order to make a free coinage bill the special order of business until it was disposed of. But the influence of the Administration was strong enough to defeat the bill when it came to a vote. Though for a time the legislative advance of the silver

movement was successfully resisted, the Treasury Department was left in a difficult situation, and the expedients to which it resorted to guard the gold supply added to the troubles of the people in the matter of obtaining currency. The quick way of getting gold from the Treasury was to present legal tender notes for redemption. To keep this process in check, legal tender notes were impounded as they came in, and silver certificates were substituted in disbursements. But under the law of 1878 silver certificates could not be issued in denominations of less than ten dollars. A scarcity of small notes resulted, which oppressed retail trade until, in August, 1886, Congress authorized the issue of silver certificates in one and two and five dollar bills.

A more difficult problem was presented by the Treasury surplus which, by old regulations savoring more of barbarism than of civilized polity, had to be kept idle in the Treasury vaults. The only apparent means by which the Secretary of the Treasury could return his surplus funds to the channels of trade was by redeeming government bonds, but as these were the basis of bank note issues, the effect of any such action was to produce a sharp contraction in this class of currency. Between

1882 and 1889 national bank notes declined in amount from \$356,060,348 to \$199,779,011. In the same period the issue of silver certificates increased from \$63,204,780 to \$276,619,715, and the total amount of currency of all sorts nominally increased from \$1,188,752,363 to \$1,405,018,000, but of this \$375,947,715 was in gold coin which was being hoarded, and national bank notes were almost equally scarce since they were virtually government bonds in a liquid form.

As the inefficiency of the monetary system came home to the people in practical experience, it seemed as if they were being plagued and inconvenienced in every possible way. The conditions were just such as would spread disaffection among the farmers, and their discontent sought an outlet. The growth of political agitation in the agricultural class, accompanied by a thoroughgoing disapproval of existing party leadership, gave rise to numerous new party movements. Delegates from the Agricultural Wheel, the Corn-Planters, the Anti-Monopolists, Farmers' Alliance, and Grangers, attended a convention in February, 1887, and joined the Knights of Labor and the Greenbackers to form the United Labor party. In the country at this time there were numerous other labor parties of

local origin and composition, with trade unionists predominating in some places and Socialists in others. Very early, however, these parties showed a tendency to division that indicated a clash of incompatible elements. Single taxers, greenbackers, labor leaders, grangers, and socialists were agreed only in condemning existing public policy. When they came to consider the question of what new policy should be adopted, they immediately manifested irreconcilable differences. In 1888, rival national conventions were held in Cincinnati, one designating itself as the Union Labor party, the other as the United Labor party. One made a schedule of particular demands; the other insisted on the single tax as the consummation of their purpose in seeking reform. Both put presidential tickets in the field, but of the two the Union Labor party made by far the better showing at the polls though, even so, it polled fewer votes than did the National Prohibition party. Although making no very considerable showing at the polls these new movements were very significant as evidences of popular unrest. The fact that the heaviest vote of the Union Labor party was polled in the agricultural States of Kansas, Missouri, and Texas, was a portent of the sweep of the populist

movement which virtually captured the Democratic party organization during President Cleveland's second term.

The withdrawal of Blaine from the list of presidential candidates in 1888 left the Republican Convention at Chicago to choose from a score of "favorite sons." Even his repeated statement that he would not accept the nomination did not prevent his enthusiastic followers from hoping that the convention might be "stampeded." But on the first ballot Blaine received only thirty-five votes while John Sherman led with 229. It was anybody's race until the eighth ballot, when General Benjamin Harrison, grandson of "Tippecanoe," suddenly forged ahead and received the nomination.

The defeat of the Democratic party at the polls in the presidential election of 1888 was less emphatic than might have been expected from its sorry record. Indeed, it is quite possible that an indiscretion in which Lord Sackville-West, the British Ambassador, was caught may have turned the scale. An adroitly worded letter was sent to him, purporting to come from Charles Murchison, a California voter of English birth, asking confidential advice which might enable the writer "to assure many of our countrymen that they would do

England a service by voting for Cleveland and against the Republican system of tariff." With an astonishing lack of astuteness the British minister fell into the trap and sent a reply which, while noncommittal on particulars, exhibited friendly interest in the reëlection of President Cleveland. This correspondence, when published late in the campaign, caused the Administration to demand his recall. A spirited statement of the case was laid before the public by Thomas Francis Bayard, Secretary of State, a few days before the election, but this was not enough to undo the harm that had been done, and the Murchison letter takes rank with the Morey letter attributed to General Garfield as specimens of the value of the campaign lie as a weapon in American party politics.

President Cleveland received a slight plurality in the total popular vote; but by small pluralities Harrison carried the big States, thus obtaining a heavy majority in the electoral vote. At the same time the Republicans obtained nearly as large a majority in the House as the Democrats had had before.

CHAPTER VIII

THE REPUBLICAN OPPORTUNITY

THE Republican party had the inestimable advantage in the year 1889 of being able to act. It controlled the Senate which had become the seat of legislative authority; it controlled the House; and it had placed its candidate in the presidential chair. All branches of the Government were now in party accord. The leaders in both Houses were able men, experienced in the diplomacy which, far more than argument or conviction, produces congressional action. Benjamin Harrison himself had been a member of the ruling group of Senators, and as he was fully imbued with their ideas as to the proper place of the President he was careful to avoid interference with legislative procedure. Such was the party harmony that an extensive program of legislation was put through without serious difficulty, after obstruction had been overcome in the House by an amendment of the rules.

In the House of Representatives the quorum is a majority of the whole membership. This rule enabled the minority to stop business at any time when the majority party was not present in sufficient strength to maintain the quorum by its own vote. On several occasions the Democrats left the House nominally without a quorum by the subterfuge of refusing to answer to their names on the roll call. Speaker Reed determined to end this practice by counting as present any members actually in the chamber. To the wrath of the minority he assumed this authority while a revision of the rules was pending. The absurdity of the Democratic position was naïvely exposed when a member arose with a law book in his hand and said, "I deny your right, Mr. Speaker, to count me as present, and I desire to read from the parliamentary law on the subject." Speaker Reed, with the nasal drawl that was his habit, replied, "The Chair is making a statement of fact that the gentleman from Kentucky is present? Does he deny it?" The rejoinder was so apposite that the House broke into a roar of laughter, and the Speaker carried his point.

Undoubtedly Speaker Reed was violating all precedents. Facilities of obstruction had been

cherished by both parties, and nothing short of Reed's earnestness and determination could have effected this salutary reform. The fact has since been disclosed that he had made up his mind to resign the Speakership and retire from public life had his party failed to support him. For three days the House was a bedlam, but the Speaker bore himself throughout with unflinching courage and unruffled composure. Eventually he had his way. New rules were adopted, and the power to count a quorum was established.¹ When in later Congresses a Democratic majority returned to the former practice, Reed gave them such a dose of their own medicine that for weeks the House was unable to keep a quorum. Finally, the House was forced to return to the "Reed rules" which have since then been permanently retained. As a result of congressional example they have been generally adopted by American legislative bodies, with a marked improvement in their capacity to do business.

With the facilities of action which they now possessed, the Republican leaders had no difficulty in getting rid of the surplus in the Treasury. Indeed, in this particular they could count on Democratic

¹ The rule that "no dilatory motion shall be entertained by the Speaker" was also adopted at this time.

aid. The main conduit which they used was an increase of pension expenditures. President Harrison encouraged a spirit of broad liberality toward veterans of the Civil War. During the campaign he said that it "was no time to be weighing the claims of old soldiers with apothecary's scales," and he put this principle of generous recognition into effect by appointing as commissioner of pensions a robust partisan known as "Corporal" Tanner. The report went abroad that on taking office he had gleefully declared, "God help the surplus," and upon that maxim he acted with unflinching vigor. It seemed, indeed, as if any claim could count upon being allowed so long as it purported to come from an old soldier. But Tanner's ambition was not satisfied with an indulgent consideration of applications pending during his time; he reopened old cases, rerated a large number of pensioners, and increased the amount of their allowance. In some cases large sums were granted as arrears due on the basis of the new rate. A number of officers of the pension bureau were thus favored, for a man might receive a pension on the score of disability though still able to hold office and draw its salary and emoluments. For example, the sum of \$4300 in arrears was declared to be due to a member

of the United States Senate, Charles F. Mander-son of Nebraska. Finally "Corporal" Tanner's extravagant management became so intolerable to the Secretary of the Interior that he confronted President Harrison with the choice of accepting his resignation or dismissing Tanner. Tanner therefore had to go, and with him his system of reratings.

A pension bill for dependents such as Cleveland had vetoed, now went triumphantly through Congress.¹ It granted pensions of from six to twelve dollars a month to all persons who had served for ninety days in the Civil War and had thereby been incapacitated for manual labor to such a degree as to be unable to support themselves. Pensions were also granted to widows, minor children, and dependent parents. This law brought in an enormous flood of claims, in passing upon which it was the policy of the Pension Bureau to practice great indulgence. In one instance, a pension was granted to a claimant who had enlisted but never really served in the army as he had deserted soon after entering the camp. He thereupon had been sentenced to hard labor for one year and made to forfeit all pay and allowances. After the war he had

¹ June 27, 1890.

been convicted of horse stealing and sent to the state penitentiary in Wisconsin. While serving his term he presented a pension claim supported by forged testimony to the effect that he had been wounded in the battle of Franklin. The fraud was discovered by a special examiner of the pension office, and the claimant and some of his witnesses were tried for perjury, convicted, and sent to the state penitentiary at Joliet, Illinois. After serving his time there, he posed as a neglected old soldier and succeeded in obtaining letters from sympathetic Congressmen commending his case to the attention of the pension office, but without avail until the Act of 1890 was passed. He then put in a claim which was twice rejected by the pension office examiners, but each time the decision was overruled, and in the end he was put upon the pension roll. This case is only one of many made possible by lax methods of investigating pension claims. Senator Gallinger of New Hampshire eventually said of the effect of pension policy, as shaped by his own party with his own aid:

If there was any soldier on the Union side during the Civil War who was not a good soldier, who has not received a pension, I do not know who he is. He can always find men of his own type, equally poor soldiers,

who would swear that they knew he had been in a hospital at a certain time, whether he was or not — the records did not state it, but they knew it was so — and who would also swear that they knew he had received a shock which affected his hearing during a certain battle, or that something else had happened to him; and so all those pension claims, many of which are worthless, have been allowed by the Government, because they were “proved.”

The increase in the expenditure for pensions, which rose from \$88,000,000 in 1889 to \$159,000,000 in 1893, swept away much of the surplus in the Treasury. Further inroads were made by the enactment of the largest river and harbor appropriation bill in the history of the country up to this time. Moreover a new tariff bill was contrived in such a way as to impose protective duties without producing so much revenue that it would cause popular complaint about unnecessary taxation. A large source of revenue was cut off by abolishing the sugar duties and by substituting a system of bounties to encourage home production. Upon this bill as a whole, Senator Cullom remarks in his memoirs that “it was a high protective tariff, dictated by the manufacturers of the country” who have “insisted upon higher duties than they really ought to have.” The bill was, indeed, made

up wholly with the view of protecting American manufactures from any foreign competition in the home market.

As passed by the House, not only did the bill ignore American commerce with other countries but it left American consumers exposed to the manipulation of prices on the part of other countries. Practically all the products of tropical America except tobacco had been placed upon the free list, without any precaution lest the revenue thus surrendered might not be appropriated by other countries by means of export taxes. Blaine, who was once more Secretary of State, began a vigorous agitation in favor of adding reciprocity provisions to the bill. When the Senate showed a disposition to resent his interference, Blaine addressed to Senator Frye of Maine a letter which was in effect an appeal to the people, and which greatly stirred the farmers by its statement that "there is not a section or a line in the entire bill that will open the market for another bushel of wheat or another barrel of pork." The effect was so marked that the Senate yielded, and the Tariff Bill as finally enacted gave the President power to impose certain duties on sugar, molasses, coffee, tea, and hides imported from any country imposing on American goods

duties, which, in the opinion of the President, were "reciprocally unequal and unreasonable." This more equitable result is to be ascribed wholly to Blaine's energetic and capable leadership.

Pending the passage of the Tariff Bill the Senate had been wrestling with the trust problem, which was making a mockery of a favorite theory of the Republicans. They had held that tariff protection benefited the consumer by the stimulus which it gave to home production and by ensuring a supply of articles on as cheap terms as American labor could afford. There were, however, notorious facts showing that certain corporations had taken advantage of the situation to impose high prices, especially upon the American consumer. It was a campaign taunt that the tariff held the people down while the trusts went through their pockets, and to this charge the Republicans found it difficult to make a satisfactory reply.

The existence of such economic injustice was continually urged in support of popular demands for the control of corporations by the Government. Though the Republican leaders were much averse to providing such control, they found inaction so dangerous that on January 14, 1890, Senator John Sherman reported from the Finance Committee a

vague but peremptory statute to make trade competition compulsory. This was the origin of the Anti-Trust Law which has since gone by his name, although the law actually passed was framed by the Senate judiciary committee. The first section declared that "every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal." The law made no attempt to define the offenses it penalized and created no machinery for enforcing its provisions, but it gave jurisdiction over alleged violations to the courts — a favorite congressional mode of getting rid of troublesome responsibilities. As a result, the courts have been struggling with the application of the law ever since, without being able to develop a clear or consistent rule for discriminating between legal and illegal combinations in trade and commerce.

Even upon the financial question the Republicans succeeded in maintaining party harmony, notwithstanding a sharp conflict between factions. William Windom, the Secretary of the Treasury, had prepared a bill of the type known as a "straddle." It offered the advocates of free coinage the right to send to the mint silver bullion in any

quantity and to receive in return the net market value of the bullion in treasury notes redeemable in gold or silver coin at the option of the Government. The monthly purchase of not less than \$2,000,000 worth of bullion was, however, no longer to be required by law. When the advocates of silver insisted that the provision for bullion purchase was too vague, a substitute was prepared which definitely required the Secretary of the Treasury to purchase 4,500,000 ounces of silver bullion in one month. The bill as thus amended was put through the House under special rule, by a strict party vote. But when the bill reached the Senate, the former party agreement could no longer be maintained, and the Republican leaders lost control of the situation. The free silver Republicans combined with most of the Democrats to substitute a free coinage bill, which passed the Senate by forty-three yeas to twenty-four nays, all the negative votes save three coming from the Republican side.

It took all the influence the party leaders could exert to prevent a silver stampede in the House when the Senate substitute bill was brought forward, but by dexterous management a vote of non-concurrence was passed and a committee of conference was appointed. The Republican leaders

now found themselves in a situation in which presidential non-interference ceased to be desirable, but President Harrison could not be stirred to action. He would not even state his views. As Senator Sherman remarked in his *Recollections*, "The situation at that time was critical. A large majority of the Senate favored free silver, and it was feared that the small majority against it in the other House might yield and agree to it. The silence of the President on the matter gave rise to an apprehension that if a free coinage bill should pass both Houses he would not feel at liberty to veto it."

In this emergency the Republican leaders appealed to their free silver party associates to be content with compelling the Treasury to purchase 4,500,000 ounces of silver per month, which it was wrongly calculated would cover the entire output of American mines. The force of party discipline eventually prevailed, and the Republican party got together on this compromise. The bill was adopted in both Houses by a strict party vote, with the Democrats solidly opposed, and was finally enacted on July 14, 1890.

Thus by relying upon political tactics the managers of the Republican party were able to reconcile

conflicting interests, maintain party harmony, and present a record of achievement which they hoped to make available in the fall elections. But while they had placated the party factions they had done nothing to satisfy the people as a whole or to redress their grievances. The slowness of congressional procedure in matters of legislative reform allowed the amplest opportunity to unscrupulous business men to engage in the meantime in profiteering at the public expense. They were able to lay in stocks of goods at the old rates, so that an increase of customs rates, for example, became an enormous tax upon consumers without a corresponding gain to the Treasury, for the yield was largely intercepted on private accounts by an advance in prices. The Tariff Bill which William McKinley reported on April 16, 1890, became law only on the 1st of October, so there were over five months during which profiteers could stock at old rates for sales at the new rates and thus reap a rich harvest. The public, however, was infuriated, and popular sentiment was so stirred by the methods of retail trade that the politicians were both angered and dismayed. Whenever purchasers complained of an increase of price, they received the apparently plausible explanation, "Oh, the McKinley Bill did

it." To silence this popular discontent, the customary arts and cajoleries of the politicians proved for once quite ineffectual.

At the next election, the Republicans carried only eighty-eight seats in the House out of 332—the most crushing defeat they had yet sustained. By their new lease of power in the House, however, the Democratic party could not accomplish any legislation, as the Republicans still controlled the Senate. The Democratic leaders therefore adopted the policy of passing a series of bills attacking the tariff at what were supposed to be particularly vulnerable points. These measures the Republicans derided as "pop-gun bills," and in the Senate they turned them over to the committee on finance for burial. Both parties were rent by the silver issue, but it was noticeable that in the House which was closest to the people the opposition to the silver movement was stronger and more effective than in the Senate.

Notwithstanding the popular revolt against the Republican policy which was disclosed by the fall elections of 1890, President Harrison's annual message of December 9, 1891, was marked by extreme complacency. Great things, he assured the people, were being accomplished under his administration.

The results of the McKinley Bill "have disappointed the evil prophecies of its opponents and in large measure realized the hopeful predictions of its friends." Rarely had the country been so prosperous. The foreign commerce of the United States had reached the largest total in the history of the country. The prophecies made by the anti-silver men regarding disasters to result from the Silver Bullion Purchase Act, had not been realized. The President remarked "that the increased volume of currency thus supplied for the use of the people was needed and that beneficial results upon trade and prices have followed this legislation I think must be clear to every one." He held that the free coinage of silver would be disastrous, as it would contract the currency by the withdrawal of gold, whereas "the business of the world requires the use of both metals." While "the producers of silver are entitled to just consideration," it should be remembered that "bimetallism is the desired end, and the true friends of silver will be careful not to overrun the goal." In conclusion the President expressed his great joy over "many evidences of the increased unification of the people and of the revived national spirit. The vista that now opens to us is wider and more glorious than before.

Gratification and amazement struggle for supremacy as we contemplate the population, wealth, and moral strength of our country."

Though the course of events has yet to be fully explained, President Harrison's dull pomposity may have been the underlying reason of the aversion which Blaine now began to manifest. Although on Harrison's side and against Blaine, Senator Cullom remarks in his memoirs that Harrison had "a very cold, distant temperament," and that "he was probably the most unsatisfactory President we ever had in the White House to those who must necessarily come into personal contact with him." Cullom is of the opinion that "jealousy was probably at the bottom of their disaffection," but it appears to be certain that at this time Blaine had renounced all ambition to be President and energetically discouraged any movement in favor of his candidacy. On February 6, 1892, he wrote to the chairman of the Republican National Committee that he was not a candidate and that his name would not go before the convention. President Harrison went ahead with his arrangements for renomination, with no sign of opposition from Blaine. Then suddenly, on the eve of the convention, something happened — exactly what has yet

to be discovered — which caused Blaine to resign the office of Secretary of State. It soon became known that Blaine's name would be presented, although he had not announced himself as a candidate. Blaine's health was then broken, and it was impossible that he could have imagined that his action would defeat Harrison. It could not have been meant for more than a protest. Harrison was renominated on the first ballot with Blaine a poor second in the poll.

In the Democratic convention Cleveland, too, was renominated on the first ballot, in the face of a bitter and outspoken opposition. The solid vote of his own State, New York, was polled against him under the unit rule, and went in favor of David B. Hill. But even with this large block of votes to stand upon, Hill was able to get only 113 votes in all, while Cleveland received 616. Genuine acceptance of his leadership, however, did not at all correspond with this vote. Cleveland had come out squarely against free silver, and at least eight of the Democratic state conventions — in Colorado, Florida, Georgia, Idaho, Kansas, Nevada, South Carolina, and Texas — came out just as definitely in favor of free silver. But even delegates who were opposed to Cleveland and who listened with

glee to excoriating speeches against him forthwith voted for him as the candidate of greatest popular strength. They then solaced their feelings by nominating a free silver man for Vice-President, who was made the more acceptable by his opposition to civil service reform. The ticket thus straddled the main issue; and the platform was similarly ambiguous. It denounced the Silver Purchase Act as "a cowardly makeshift" which should be repealed, and it declared in favor of "the coinage of both gold and silver without discrimination," with the provision that "the dollar unit of coinage of both metals must be of equal intrinsic and exchangeable value." The Prohibition party in that year came out for the "free and unlimited coinage of silver and gold." A more significant sign of the times was the organization of the "People's party," which held its first convention and nominated the old Greenback leader, James B. Weaver of Iowa, on a free silver platform.

The campaign was accompanied by labor disturbances of unusual extent and violence. Shortly after the meeting of the national conventions, a contest began between the powerful Amalgamated Association of Steel and Iron Workers, the strongest of the trade-unions, and the Carnegie Company

over a new wage scale introduced in the Homestead mills. The strike began on June 29, 1892, and local authority at once succumbed to the strikers. In anticipation of this eventuality the company had arranged to have three hundred Pinkerton men act as guards. They arrived in Pittsburgh during the night of the 5th of July and embarked on barges which were towed up the river to Homestead. As they approached, the strikers turned out to meet them, and an engagement ensued in which men were killed or wounded on both sides and the Pinkerton men were defeated and driven away. For a short time the strikers were in complete possession of the town and of the company's property. They preserved order fairly well but kept a strict watch that no strike breakers should approach or attempt to resume work. The government of Pennsylvania was for a time completely superseded in that region by the power of the Amalgamated Association, until a large force of troops entered Homestead on the 12th of July and remained in possession of the place for several months. The contest between the strikers and the company caused great excitement throughout the country, and a foreign anarchist from New York attempted to assassinate Mr. Frick, the

managing director of the company. Though this strike was caused by narrow differences concerning only the most highly paid classes of workers, it continued for some months and then ended in the complete defeat of the union.

On the same day that the militia arrived at Homestead a more bloody and destructive conflict occurred in the Cœur d'Alène district of Idaho, where the workers in the silver mines were on strike. Nonunion men were imported and put into some of the mines. The strikers, armed with rifles and dynamite, thereupon attacked the nonunion men and drove them off, but many lives were lost in the struggle and much property was destroyed. The strikers proved too strong for any force which state authority could muster, but upon the call of the Governor, President Harrison ordered federal troops to the scene and under martial law order was soon restored.

Further evidence of popular unrest was given in August by a strike of the switchmen in the Buffalo railway yards, which paralyzed traffic until several thousand state troops were put on guard. About the same time there were outbreaks in the Tennessee coal districts in protest against the employment of convict labor in the mines. Bands of

strikers seized the mines, and in some places turned loose the convicts and in other places escorted them back to prison. As a result of this disturbance, during 1892 state troops were permanently stationed in the mining districts, and eventually the convicts were put back at labor in the mines.

Such occurrences infused bitterness into the campaign of 1892 and strongly affected the election returns. Weaver carried Colorado, Idaho, Kansas, and Nevada, and he got one electoral vote in Oregon and in North Dakota, but even if these twenty-two electoral votes had gone to Harrison he would still have been far behind Cleveland, who received 277 electoral votes out of a total of 444. Harrison ran only about 381,000 behind Cleveland in the popular vote, but in four States the Democrats had nominated no electors and their votes had contributed to the poll of over a million for Weaver. The Democratic victory was so sweeping that it gained the Senate as well as the House, and now for the first time a Democratic President was in accord with both branches of Congress. It was soon to appear, however, that this party accord was merely nominal.



CHAPTER IX



THE FREE SILVER REVOLT

THE avenging consequences of the Silver Purchase Act moved so rapidly that when John Griffin Carlisle took office as Secretary of the Treasury in 1893 the gold reserve had fallen to \$100,982,410 — only \$982,410 above the limit indicated by the Act of 1882 — and the public credit was shaken by the fact that it was an open question whether the government obligation to pay a dollar was worth so much or only one half so much. The latter interpretation, indeed, seemed impending. The new Secretary's first step was to adopt the makeshift expedient of his predecessors. He appealed to the banks for gold and, backed up by patriotic exhortation from the press, he did obtain almost twenty-five millions in gold in exchange for notes. But as even more notes drawing out the gold were presented for redemption, the Secretary's efforts were no more successful than carrying water in a sieve.

Of the notes presented for redemption during March and April nearly one-half were treasury notes of 1890, which by law the Secretary might redeem "in gold or silver coin at his discretion." The public was now alarmed by a rumor that Secretary Carlisle, who while in Congress had voted for free silver, would resort to silver payments on this class of notes, and regarded his statements as being noncommittal on the point. Popular alarm was to some extent dispelled by a statement from President Cleveland, on the 23d of April, declaring flatly and unmistakably that redemption in gold would be maintained. But the financial situation throughout the country was such that nothing could stave off the impending panic. Failures were increasing in number, some large firms broke under the strain, and the final stroke came on the 5th of May when the National Cordage Company went into bankruptcy. As often happens in the history of panics, the event was trivial in comparison with the consequences. This company was of a type that is the reproach of American jurisprudence — the marauding corporation. In the very month in which it failed it declared a large cash dividend. Its stock, which had sold at 147 in January, fell in May to below

ten dollars a share. Though the Philadelphia and Reading Railway Company, which failed in February, had a capital of \$40,000,000 and a debt of more than \$125,000,000, yet the market did not break completely under that strain. The National Cordage had a capital of \$20,000,000 and liabilities of only \$10,000,000 but its collapse brought down with it the whole structure of credit. A general movement of liquidation set in, which throughout the West was so violent as to threaten general bankruptcy. Nearly all of the national bank failures were in the West and South, and still more extensive was the wreck of state banks and private banks. It had been the practice of country banks, while firmly maintaining local rates, to keep the bulk of their resources on deposit with city banks at two per cent. This practice now proved to be a fatal entanglement to many institutions. There were instances in which country banks were forced to suspend, though cash resources were actually on the way to them from depository centers.¹

Even worse than the effect of these numerous failures on the business situation was the derangement

¹ Out of 158 national bank failures during the year, 153 were in the West and South. In addition there went down 172 state banks, 177 private banks, 47 savings banks, 13 loan and trust companies, and 6 mortgage companies

which occurred in the currency supply. The circulating medium was almost wholly composed of bank notes, treasury notes, and treasury certificates issued against gold and silver in the Treasury, coin being little in use except as fractional currency. Bank notes were essentially treasury certificates issued upon deposits of government bonds. In effect, the circulating medium was composed of government securities reduced to handy bits. Usually a bank panic tends to bring note issues into rapid circulation for what they will fetch, but in this new situation people preferred to impound the notes, which they knew to be good whatever happened so long as the Government held out. Private hoarding became so general that currency tended to disappear. Between September 30, 1892, and October 31, 1893, the amount of deposits in the national banks shrank over \$496,000,000. Trade was reduced to making use of the methods of primitive barter, though the emergency was met to some extent by the use of checks and clearing-house certificates. In many New England manufacturing towns, for example, checks for use in trade were drawn in denominations from one dollar up to twenty. In some cases corporations paid off their employees in checks drawn on their own

treasurers which served as local currency. In some Southern cities clearing-house certificates in small denominations were issued for general circulation — in Birmingham, Alabama, for sums as small as twenty-five cents. It is worth noting that a premium was paid as readily for notes as for gold; indeed, the New York *Financial Chronicle* reported that the premium on currency was from two to three per cent, while the premium on gold was only one and one half per cent. Before the panic had ended, the extraordinary spectacle was presented of gold coins serving as a medium of trade because treasury notes and bank notes were still hoarded. These peculiarities of the situation had a deep effect upon the popular attitude towards the measures recommended by the Administration.

While this devastating panic was raging over all the country, President Cleveland was beset by troubles that were both public and personal. He was under heavy pressure from the office seekers. They came singly or in groups and under the escort of Congressmen, some of whom performed such service several times a day. The situation became so intolerable that on the 8th of May President Cleveland issued an executive order setting forth

that "a due regard for public duty, which must be neglected if present conditions continue, and an observance of the limitations placed upon human endurance, oblige me to decline, from and after this date, all personal interviews with those seeking office."

According to the Washington papers, this sensible decision was received with a tremendous outburst of indignation. The President was denounced for shutting his doors upon the people who had elected him, and he was especially severely criticized for the closing sentence of his order stating that "applicants for office will only prejudice their prospects by repeated importunity and by remaining at Washington to await results." This order was branded as an arbitrary exercise of power compelling free American citizens to choose exile or punishment, and was featured in the newspapers all over the country. The hubbub became sufficient to extract from Cleveland's private secretary an explanatory statement pointing out that in the President's day a regular allotment of time was made for congressional and business callers other than the office seekers, for whom a personal interview was of no value since the details of their cases could not be remembered. "What

was said in behalf of one man was driven out of mind by the remarks of the next man in line," whereas testimonials sent through the mails went on file and received due consideration. "So many hours a day having been given up to the reception of visitors, it has been necessary, in order to keep up with the current work, for the President to keep at his desk from early in the morning into the small hours of the next morning. Now that may do for a week or for a month, but there is a limit to human physical endurance, and it has about been reached."

Such were the distracting conditions under which President Cleveland had to deal with the tremendous difficulties of national import which beset him. There were allusions in his inaugural address which showed how keenly he felt the weight of his many responsibilities, and there is a touch of pathos in his remark that he took "much comfort in remembering that my countrymen are just and generous, and in the assurance that they will not condemn those who by sincere devotion to their service deserve their forbearance and approval." This hope of Cleveland's was eventually justified but not until after his public career had ended; meanwhile he had to undergo a storm of censure so blasting that it was more like a volcanic

rain of fire and lava than any ordinary tempest, however violent.

On the 30th of June President Cleveland called an extra session of Congress for the 7th of August "to the end that the people may be relieved through legislation from present and impending danger and distress." In recent years the fact has come to light that his health was at that time in a condition so precarious that it would have caused wild excitement had the truth become known, for only his life stood in the way of a free silver President. On the same day on which he issued his call for the extra session, President Cleveland left for New York ostensibly for a yachting trip, but while the yacht was steaming slowly up the East River, he was in the hands of surgeons who removed the entire left upper jaw. On the 5th of July they performed another operation in the same region for the removal of any tissues which might possibly have been infected. These operations were so completely successful that the President was fitted with an artificial jaw of vulcanized rubber which enabled him to speak without any impairment of the strength and clearness of his voice.¹ Immediately after this severe trial,

¹ For details, see *New York Times*, Sept. 21, 1917.

which he bore with calm fortitude, Cleveland had to battle with the raging silver faction, strong in its legislative position through its control of the Senate.

When Congress met, the only legislation which the President had to propose was the repeal of the Silver Purchase Act, although he remarked that "tariff reform has lost nothing of its immediate and permanent importance and must in the near future engage the attention of Congress." It was a natural inference, therefore, that the Administration had no financial policy beyond putting a stop to treasury purchases of silver, and there was a vehement outcry against an action which seemed to strike against the only visible source of additional currency. President Cleveland was even denounced as a tool of Wall Street, and the panic was declared to be the result of a plot of British and American bankers against silver.

Nevertheless, on the 28th of August, the House passed a repeal bill by a vote of 240 to 110. There was a long and violent struggle in the Senate, where such representative anomalies existed that Nevada with a population of 45,761 had the same voting power as New York with 5,997,853. Hence at first it looked as if the passage of a repeal bill

might be impossible. Finally the habit of compromise prevailed and a majority agreement was reached postponing the date of repeal for twelve or eighteen months during which the treasury stock of silver bullion was to be turned into coin. Cleveland made it known that he would not consent to such an arrangement, and the issue was thereafter narrowed to that of unconditional repeal of the Silver Purchase Act. The Senators from the silver-mining States carried on an obstinate filibuster and refused to allow the question to come to a vote, until their arrogance was gradually toned down by the discovery that the liberty to dump silver on the Treasury had become a precarious mining asset. The law provided for the purchase of 4,500,000 ounces a month, "or, so much thereof as may be offered at the market price." Secretary Carlisle found that offers were frequently higher in price than New York and London quotations, and by rejecting them he made a considerable reduction in the amount purchased. Moreover, the silver ranks began to divide on the question of policy. The Democratic silver Senators wished to enlarge the circulating medium by increasing the amount of coinage, and they did not feel the same interest in the mere stacking of bullion in the

Treasury that possessed the mining camp Senators on the Republican side. When these two elements separated on the question of policy the representatives of the mining interests recognized the hopelessness of preventing a vote upon the proposed repeal of the silver purchase act. On the 30th of October the Senate passed the repeal with no essential difference from the House bill, and the bill became law on November 1, 1893.

But although the repeal bill stopped the silver drain upon the Treasury, it did not relieve the empty condition to which the Treasury had been reduced. It was manifest that, if the gold standard was to be maintained, the Treasury stock of gold would have to be replenished. The Specie Resumption Act of 1875 authorized the sale of bonds "to prepare and provide for" redemption of notes in coin, but the only classes of bonds which it authorized were those at four per cent payable after thirty years, four and a half per cent payable after fifteen years, and five per cent payable after ten years from date. For many years the Government had been able to borrow at lower rates but had in vain besought Congress to grant the necessary authority. The Government now appealed once more to Congress for authority to issue bonds at a lower rate of

interest. Carlisle, the Secretary of the Treasury, addressed a letter to the Senate committee of finance, setting forth the great saving that would be thus effected. Then ensued what must be acknowledged to be a breakdown in constitutional government. Immediately after a committee meeting on January 16, 1894, the Chairman, Senator Voorhees, issued a public statement in which he said that "it would be trifling with a very grave affair to pretend that new legislation concerning the issue of bonds can be accomplished at this time, and in the midst of present elements and parties in public life, with elaborate, extensive, and practically indefinite debate." Therefore, he held that "it will be wiser, safer and better for the financial and business interests of the country to rely upon existing law." This plainly amounted to a public confession that Congress was so organized as to be incapable of providing for the public welfare.

Carlisle decided to sell the ten-year class of bonds, compensating for their high interest rate by exacting such a premium as would reduce to three per cent the actual yield to holders. On January 17, 1894, he offered bonds to the amount of fifty millions, but bids came in so slowly that he found

it necessary to visit New York to make a personal appeal to a number of leading bankers to exert themselves to prevent the failure of the sale. As a result of these efforts the entire issue was sold at a premium of \$8,660,917, and the treasury stock of gold was brought up to \$107,440,802.

Then followed what is probably the most curious chapter in the financial history of modern times. Only gold was accepted by the Treasury in payment of bonds; but gold could be obtained by offering treasury notes for redemption. The Act of 1878 expressly provided that, when redeemed, these notes "shall not be retired, canceled, or destroyed, but they shall be reissued and paid out again and kept in circulation." The Government, as President Cleveland pointed out, was "forced to redeem without redemption and pay without acquittance." These conditions set up against the Treasury an endless chain by which note redemptions drained out the gold as fast as bond sales poured it in. In a message to Congress on January 28, 1895, President Cleveland pointed out that the Treasury had redeemed more than \$300,000,000 of its notes in gold, and yet these notes were all still outstanding. Appeals to Congress to remedy the situation proved absolutely fruitless,

and the only choice left to the President was to continue pumping operations or abandon the gold standard, as the silver faction in Congress desired. By February 8, 1895, the stock of gold in the Treasury was down to \$41,340,181. The Administration met this sharp emergency by a contract with a New York banking syndicate which agreed to deliver 3,500,000 ounces of standard gold coin, at least one half to be obtained in Europe. The syndicate was, moreover, to "exert all financial influence and make all legitimate efforts to protect the Treasury of the United States against the withdrawals of gold pending the complete performance of the contract."

The replenishing of the Treasury by this contract was, however, only a temporary relief. By January 6, 1896, the gold reserve was down to \$61,251,710. The Treasury now offered \$100,000,000 of the four per cent bonds for sale and put forth special efforts to make subscription popular. Blanks for bids were displayed in all post-offices, a circular letter was sent to all national banks, the movement was featured in the newspapers, and the result was that 4635 bids were received coming from forty-seven States and Territories, and amounting to \$526,970,000. This great oversubscription powerfully

upheld the public credit and thereafter the position of the Treasury remained secure, but altogether \$262,000,000 in bonds had been sold to maintain its solvency.

Consideration of the management of American foreign relations during this period does not enter into the scope of this book, but the fact should be noted that the anxieties of public finance were aggravated by the menace of war.¹ In the boundary dispute between British Guiana and Venezuela President Cleveland proposed arbitration, but this was refused by the British Government. President Cleveland, whose foreign policy was always vigorous and decisive, then sent a message to Congress on December 17, 1895, describing the British position as an infringement of the Monroe Doctrine and recommending that a commission should be appointed by the United States to conduct an independent inquiry to determine the boundary line in dispute. He significantly remarked that "in making these recommendations I am fully alive to the responsibility incurred and keenly realize all the consequences that may follow." The possibility of conflict thus hinted was

¹ See *The Path of Empire*, by Carl Russell Fish (in *The Chronicles of America*).

averted when Great Britain agreed to arbitration, but meanwhile American securities in great numbers were thrown upon the market through sales of European account and added to the financial strain.

The invincible determination which President Cleveland showed in this memorable struggle to maintain the gold standard will always remain his securest title to renown, but the admiration due to his constancy of soul cannot be extended to his handling of the financial problem. It appears from his own account that he was not well advised as to the extent and nature of his financial resources. He did not know until February 7, 1895, when Mr. J. P. Morgan called his attention to the fact, that among the general powers of the Secretary of the Treasury is the provision that he "may purchase coin with any of the bonds or notes of the United States authorized by law, at such rates and upon such terms as he may deem most advantageous to the public interest." The President was urged to proceed under this law to buy \$100,000,000 in gold at a fixed price, paying for it in bonds. This advice Cleveland did not accept at the time, but in later years he said that it was "a wise suggestion," and that he had "always regretted that it was not adopted."

But apart from any particular error in the management of the Treasury, the general policy of the Administration was much below the requirements of the situation. The panic came to an end in the fall of 1893, much as a great conflagration expires through having reached all the material on which it can feed, but leaving a scene of desolation behind it. Thirteen commercial houses out of every thousand doing business had failed. Within two years nearly one fourth of the total railway capitalization of the country had gone into bankruptcy, involving an exposure of falsified accounts sufficient to shatter public confidence in the methods of corporations. Industrial stagnation and unemployment were prevalent throughout the land. Meanwhile the congressional situation was plainly such that only a great uprising of public opinion could break the hold of the silver faction. The standing committee system, which controls the gateways of legislation, is made up on a system of party apportionment whose effect is to give an insurgent faction of the majority the balance of power, and this opportunity for mischief was unsparingly used by the silver faction.

Such a situation could not be successfully encountered save by a policy aimed distinctly at

accomplishing a redress of popular grievances. But such a policy President Cleveland failed to conceive. In his inaugural address he indicated in a general way the policy pursued throughout his term when he said, "I shall to the best of my ability and within my sphere of duty preserve the Constitution by loyally protecting every grant of Federal power it contains, by defending all its restraints when attacked by impatience and restlessness, and by enforcing its limitations and reservations in favor of the states and the people." This statement sets forth a low view of governmental function and practically limits its sphere to the office of the policeman, whose chief concern is to suppress disorder. Statesmanship should go deeper and should labor in a constructive way to remove causes of disorder.

An examination of President Cleveland's state papers show that his first concern was always to relieve the Government from its financial embarrassments, whereas the first concern of the people was naturally and properly to find relief from their own embarrassments. In the last analysis, the people were not made for the convenience of the Government, but the Government was made for the convenience of the people, and this truth was

not sufficiently recognized in the policy of Cleveland's administration. His guiding principle was stated, in the annual message, December 3, 1894, as follows: "The absolute divorcement of the Government from the business of banking is the ideal relationship of the Government to the circulation of the currency of the country." That ideal, however, is unattainable in any civilized country. The only great state in which it has ever been actually adopted is China, and the results were not such as to commend the system. The policy which yields the greatest practical benefits is that which makes it the duty of the Government to supervise and regulate the business of banking and to attend to currency supply; and the currency troubles of the American people were not removed until eventually their Government accepted and acted upon this view.

Not until his message of December 3, 1894, did President Cleveland make any recommendation going to the root of the trouble, which was, after all, the need of adequate provision for the currency supply. In that message he sketched a plan devised by Secretary Carlisle, allowing national banks to issue notes up to seventy-five per cent of their actual capital, and providing also, under certain

conditions, for the issue of circulating notes by state banks without taxation. This plan, he said, "furnishes a basis for a very great improvement in our present banking and currency system." But in his subsequent messages he kept urging that "the day of sensible and sound financial methods will not dawn upon us until our Government abandons the banking business." To effect this aim, he urged that all treasury notes should be "withdrawn from circulation and canceled," and he declared that he was "of opinion that we have placed too much stress upon the danger of contracting the currency." Such proposals addressed to a people agonized by actual scarcity of currency were utterly impracticable, nor from any point of view can they be pronounced to have been sound in the circumstances then existing. Until the banking system was reformed, there was real danger of contracting the currency by a withdrawal of treasury notes. President Cleveland was making a mistake to which reformers are prone; he was taking the second step before he had taken the first. The realization on the part of others that his efforts were misdirected not only made it impossible for him to obtain any financial legislation but actually fortified the position of the free silver

advocates by allowing them the advantage of being the only political party with any positive plans for the redress of popular grievances. Experts became convinced that statesmen at Washington were as incompetent to deal with the banking problems as they had been in dealing with reconstruction problems, and that in like manner the regulation of banking had better be abandoned to the States. A leading organ of the business world pointed out that some of the state systems of note issue had been better than the system of issuing notes through national banks which had been substituted in 1862, and it urged that the gains would exceed all disadvantages if state banks were again allowed to act as sources of currency supply by a repeal of the government tax of ten per cent on their circulation. But nothing came of this suggestion, which was, indeed, a counsel of despair. It took many years of struggle and more experiences of financial panic and industrial distress to produce a genuine reform in the system of currency supply.

President Cleveland's messages suggest that he made up his mind to do what he conceived to be his own duty regardless of consequences, whereas an alert consideration of possible consequences is an integral part of the duties of statesmanship. He

persevered in his pension vetoes without making any movement towards a change of system, and the only permanent effect of his crusade was an alteration of procedure on the part of Congress in order to evade the veto power. Individual pension bills are still introduced by the thousand at every session of Congress, but since President Cleveland's time all those approved have been included in one omnibus bill, known as a "pork barrel bill," which thus collects enough votes from all quarters to ensure passage.

President Cleveland found another topic for energetic remonstrance in a system of privilege that had been built up at the expense of the post-office department. Printed matter in the form of books was charged eight cents a pound but in periodical form only one cent a pound. This discrimination against books has had marked effect upon the quality of American literature, lowering its tone and encouraging the publication of many cheap magazines. President Cleveland gave impressive statistics showing the loss to the Government in transporting periodical publications, "including trashy and even harmful literature." Letter mails weighing 65,337,343 pounds yielded a revenue of \$60,624,464. Periodical publications

weighing 348,988,648 pounds yielded a revenue of \$2,996,403. Cleveland's agitation of the subject under conditions then existing could not, however, have any practical effect save to affront an influential interest abundantly able to increase the President's difficulties by abuse and misrepresentation.

CHAPTER X

LAW AND ORDER UPHOLD

WHILE President Cleveland was struggling with the difficult situation in the Treasury, popular unrest was increasing in violence. Certain startling political developments now gave fresh incitement to the insurgent temper which was spreading among the masses. The relief measure at the forefront of President Cleveland's policy was tariff reform, and upon this the legislative influence of the Administration was concentrated as soon as the repeal of the Silver Purchase Act had been accomplished.

The House leader in tariff legislation at that time was a man of exceptionally high character and ability. William L. Wilson was President of the University of West Virginia when he was elected to Congress in 1882, and he had subsequently retained his seat more by the personal respect he inspired than through the normal strength of his party in his district. The ordinary rule of seniority

was by consent set aside to make him chairman of the Ways and Means Committee. He aimed to produce a measure which would treat existing interests with some consideration for their needs. In the opinion of F. W. Taussig, an expert economist, the bill as passed by the House on February 1, 1894, "was simply a moderation of the protective duties" with the one exception of the removal of the duty on wool. Ever since 1887 it had been a settled Democratic policy to put wool on the free list in order to give American manufacturers the same advantage in the way of raw material which those of every other country enjoyed, even in quarters where a protective tariff was stiffly applied.

The scenes that now ensued in the Senate showed that arbitrary rule may be readily exercised under the forms of popular government. Senator Matthew S. Quay of Pennsylvania, a genial, scholarly cynic who sought his ends by any available means and who disdained hypocritical pretenses, made it known that he was in a position to block all legislation unless his demands were conceded. He prepared an everlasting speech, which he proceeded to deliver by installments in an effort to consume the time of the Senate until it would become necessary to yield to him in order to proceed with

the consideration of the bill. His method was to read matter to the Senate until he was tired and then to have some friend act for him while he rested. According to the *Washington Star*, Senator Gallinger was "his favorite helper in this, for he has a good round voice that never tires, and he likes to read aloud." The thousands of pages of material which Senator Quay had collected for use and the apparently inexhaustible stores upon which he was drawing were the subject of numerous descriptive articles in the newspapers of the day. Senator Quay's tactics were so successful, indeed, that he received numerous congratulatory telegrams from those whose interests he was championing. They had been defeated at the polls in their attempt to control legislation, and defeated in the House of Representatives, but now they were victorious in the Senate.

The methods of Senator Quay were tried by other Senators on both sides, though they were less frank in their avowal. After the struggle was over, Senator Vest of Missouri, who had been in charge of the bill, declared:

I have not an enemy in the world whom I would place in the position that I have occupied as a member of the Finance Committee under the rules of the Senate. I

would put no man where I have been, to be blackmailed and driven in order to pass a bill that I believe is necessary to the welfare of the country, by Senators who desired to force amendments upon me against my better judgment and compel me to decide the question whether I will take any bill at all or a bill which had been distorted by their views and objects. Sir, the Senate "lags superfluous on the stage" today with the American people, because in an age of progress, advance, and aggressive reform, we sit here day after day and week after week, while copies of the census reports, almanacs, and even novels are read to us, and under our rules there is no help for the majority except to listen or leave the chamber.

The passage of the bill in anything like the form in which it reached the Senate was plainly impossible without a radical change in the rules, and on neither side of the chamber was there any real desire for an amendment of procedure. A number of the Democratic Senators who believed that it was desirable to keep on good terms with business interests were in reality opposed to the House bill. Their efforts to control the situation were favored by the habitual disposition of the Senate, when dealing with business interests, to decide questions by private conference and personal agreements, while maintaining a surface show of party controversy. Hence Senator Gorman of Maryland

was able to make arrangements for the passage of what became known as the Gorman Compromise Bill, which radically altered the character of the original measure by the adoption of 634 amendments. It passed the Senate on the 3d of July by a vote of thirty-nine to thirty-four. The next step was the appointment of a committee of conference between the two Houses, but the members for the House showed an unusual determination to resist the will of the Senate, and on the 19th of July the conferees reported that they had failed to reach an agreement. When President Cleveland permitted the publication of a letter which he had written to Chairman Wilson condemning the Senate bill, the fact was disclosed that the influence of the Administration had been used to stiffen the opposition of the House. Senator Gorman and other Democratic Senators made sharp replies, and the party quarrel became so bitter that it was soon evident that no sort of tariff bill could pass the Senate.

The House leaders now reaped a great advantage from the Reed rules to the adoption of which they had been so bitterly opposed. Availing themselves of the effective means of crushing obstruction provided by the powers of the Rules Committee, in

one day they passed the Tariff Bill as amended by the Senate, which eventually became law, and then passed separate bills putting on the free list coal, barbed wire, and sugar. These bills had no effect other than to put on record the opinion of the House, as they were of course subsequently held up in the Senate. This unwonted insubordination on the part of the House excited much angry comment from dissatisfied Senators. President Cleveland was accused of unconstitutional interference in the proceedings of Congress; and the House was blamed for submitting to the Senate and passing the amended bill without going through the usual form of conference and adjustment of differences. Senator Sherman of Ohio remarked that "there are many cases in the bill where enactment was not intended by the Senate. For instance, innumerable amendments were put on by Senators on both sides of the chamber . . . to give the Committee of Conference a chance to think of the matter, and they are all adopted, whatever may be their language or the incongruity with other parts of the bill."

. The bitter feeling excited by the summary mode of enactment on the part of the House was intensified by President Cleveland's treatment of the

measure. While he did not veto it, he would not sign it but allowed it to become law by expiration of the ten days in which he could reject it. He set forth his reasons in a letter on August 27, 1894, to Representative Catchings of Mississippi, in which he sharply commented upon the incidents accompanying the passage of the bill and in which he declared:

I take my place with the rank and file of the Democratic party who believe in tariff reform, and who know what it is, who refuse to accept the result embodied in this bill as the close of the war, who are not blinded to the fact that the livery of Democratic tariff reform has been stolen and used in the service of Republican protection, and who have marked the places where the deadly blight of treason has blasted the counsels of the brave in their hour of might.

The letter was written throughout with a fervor rare in President Cleveland's papers, and it had a scorching effect. Senator Gorman and some other Democratic Senators lost their seats as soon as the people had a chance to express their will.

The circumstances of the tariff struggle greatly increased popular discontent with the way in which the government of the country was being conducted at Washington. It became a common belief that the actual system of government was that the

trusts paid the campaign expenses of the politicians and in return the politicians allowed the trusts to frame the tariff schedules. Evidence in support of this view was furnished by testimony taken in the investigation of the sugar scandal in the summer of 1894. Charges had been made in the newspapers that some Senators had speculated in sugar stocks during the time when they were engaged in legislation affecting the value of those stocks. Some of them admitted the fact of stock purchases but denied that their legislative action had been guided by their investments. In the course of the investigation, H. O. Havemeyer, the head of the Sugar Trust, admitted that it was the practice to subsidize party management. "It is my impression," he said, "that whenever there is a dominant party, wherever the majority is large, that is the party that gets the contribution because that is the party which controls the local matters." He explained that this system was carried on because the company had large interests which needed protection, and he declared "every individual and corporation and firm, trust, or whatever you call it, does these things and we do them."

During the tariff struggle a movement took place which was an evidence of popular discontent

of another sort. At first it caused great uneasiness, but eventually the manifestation became more grotesque than alarming. Jacob S. Coxey of Massillon, Ohio, a smart specimen of the American type of handy business man, announced that he intended to send a petition to Washington wearing boots so that it could not be conveniently shelved by being stuck away in a pigeonhole. He thereupon proceeded to lead a march of the unemployed, which started from Massillon on March 25, 1894, with about one hundred men in the ranks. These crusaders Coxey described as the "Army of the Commonweal of Christ," and their purpose was to proclaim the wants of the people on the steps of the Capitol on the 1st of May. The leader of this band called upon the honest working classes to join him, and he gained recruits as he advanced. Similar movements started in the Western States. "The United States Industrial Army," headed by one Frye, started from Los Angeles and at one time numbered from six to eight hundred men; they reached St. Louis by swarming on the freight trains of the Southern Pacific road and thereafter continued on foot. A band under a leader named Kelly started from San Francisco on the 4th of April and by commandeering freight trains reached

Council Bluffs, Iowa, whence they marched to Des Moines. There they went into camp, with at one time as many as twelve hundred men. They eventually obtained flatboats, on which they floated down the Mississippi and then pushed up the Ohio to a point in Kentucky whence they proceeded on foot. Attempts on the part of such bands to seize trains brought them into conflict with the authorities at some points. For instance, a detachment of regular troops in Montana captured a band coming East on a stolen Northern Pacific train, and militia had to be called out to rescue a train from a band at Mount Sterling, Ohio.

Coxey's own army never amounted to more than a few hundred, but it was more in the public eye. It had a large escort of newspaper correspondents who gave picturesque accounts of the march to Washington; and Coxey himself took advantage of this gratuitous publicity to express his views. Among other measures he urged that since good roads and money were both greatly needed by the country at large, the Government should issue \$500,000,000 in "non-interest bearing bonds" to be used in employing workers in the improvement of the roads. After an orderly march through parts of Ohio, Pennsylvania, and Maryland, in the

course of which his men received many donations of supplies from places through which they passed, Coxey and his army arrived at Washington on the 1st of May, and were allowed to parade to the Capitol under police escort along a designated route. When Coxey left the ranks, however, to cut across the grass to the Capitol, he was arrested on the technical charge of trespassing. The army went into camp, but on the 12th of May the authorities forced the men to move out of the District. They thereupon took up quarters in Maryland and shifted about from time to time. Detachments from the Western bands arrived during June and July, but the total number encamped about Washington probably never exceeded a thousand. Difficulties in obtaining supplies and inevitable collisions with the authorities caused the band gradually to disperse. Coxey, after his short term in jail, traveled about the country trying to stir up interest in his aims and to obtain supplies. The novelty of his movement, however, had worn off, and results were so poor that on the 26th of July he issued a statement saying he could do no more and that what was left of the army would have to shift for itself. In Maryland the authorities arrested a number of Coxey's "soldiers" as vagrants.

On the 11th of August a detachment of Virginia militia drove across the Potomac the remnants of the Kelly and Frye armies, which were then taken in charge by the district authorities. They were eventually supplied by the Government with free transportation to their homes.

Of more serious import than these marchings and campings as evidence of popular unrest were the activities of organized labor which now began to attract public attention. The Knights of Labor were declining in numbers and influence. The attempt which their national officers made in January, 1894, to get out an injunction to restrain the Secretary of the Treasury from making bond sales really facilitated Carlisle's effort by obtaining judicial sanction for the issue. Labor disturbances now followed in quick succession. In April there was a strike on the Great Northern Railroad which for a long time almost stopped traffic between St. Paul and Seattle. Local strikes in the mining regions of West Virginia and Colorado and in the coke fields of Western Pennsylvania were attended by conflicts with the authorities and some loss of life. A general strike of the bituminous coal miners of the whole country was ordered by the United Mine Workers on the 21st of April, and called out

numbers variously estimated at from one hundred and twenty-five thousand to two hundred thousand; but by the end of July the strike had ended in a total failure.

All the disturbances that abounded throughout the country were overshadowed, however, by a tremendous struggle which centered in Chicago and which brought about new and most impressive developments of national authority. In June, 1893, Eugene V. Debs, the secretary-treasurer of the Brotherhood of Locomotive Firemen, resigned his office and set about organizing a new general union of railroad employees in antagonism to the Brotherhoods, which were separate unions of particular classes of workers. He formed the American Railway Union and succeeded in instituting 465 local lodges which claimed a membership of one hundred and fifty thousand. In March, 1894, Pullman Company employees joined the new union. On the 11th of May a class of workers in this company's shops at Pullman, Illinois, struck for an increase of wages, and on the 21st of June the officers of the American Railway Union ordered its members to refuse to handle trains containing Pullman cars unless the demands of the strikers were granted. Although neither the American Federation of

Labor nor the Brotherhoods endorsed this sympathetic strike, it soon spread over a vast territory and was accompanied by savage rioting and bloody conflicts. In the suburbs of Chicago the mobs burned numerous cars and did much damage to other property. The losses inflicted on property throughout the country by this strike have been estimated at \$80,000,000.

The strikers were undoubtedly encouraged in resorting to force by the sympathetic attitude which Governor Altgeld of Illinois showed towards the cause of labor. The Knights of Labor and other organizations of workingmen had passed resolutions complimenting the Governor on his pardon of the Chicago anarchists, and the American Railway Union counted unduly upon his support in obtaining their ends. The situation was such as to cause the greatest consternation throughout the country, as there was a widespread though erroneous belief that there was no way in which national Government could take action to suppress disorder unless it was called upon by the Legislature, if it happened to be in session, or by the Governor. But at this critical moment the Illinois Legislature was not in session, and Governor Altgeld refused to call for aid. For a time it therefore seemed that

the strikers were masters of the situation and that law and order were powerless before the mob.

There was an unusual feeling of relief throughout the country when word came from Washington on the 1st of July that President Cleveland had called out the regular troops. Governor Altgeld sent a long telegram protesting against sending federal troops into Illinois without any request from the authority of the State. But President Cleveland replied briefly that the troops were not sent to interfere with state authority but to enforce the laws of the United States, upon the demand of the Post Office Department that obstruction to the mails be removed, and upon the representations of judicial officers of the United States that processes of federal courts could not be executed through the ordinary means. In the face of what was regarded as federal interference, riot for the moment blazed out more fiercely than ever, but the firm stand taken by the President soon had its effect. On the 6th of July Governor Altgeld ordered out the state militia which soon engaged in some sharp encounters with the strikers. On the next day a force of regular troops dispersed a mob at Hammond, Indiana, with some loss of life. On the 8th of July President Cleveland issued a proclamation to the

people of Illinois and of Chicago in particular, notifying them that those "taking part with a riotous mob in forcibly resisting and obstructing the execution of the laws of the United States . . . cannot be regarded otherwise than as public enemies," and that "while there will be no hesitation or vacillation in the decisive treatment of the guilty, this warning is especially intended to protect and save the innocent." The next day he issued as energetic a proclamation against "unlawful obstructions, combinations and assemblages of persons" in North Dakota, Montana, Idaho, Washington, Wyoming, Colorado, California, Utah, and New Mexico.

At the request of the American Railway Union, delegates from twenty-five unions connected with the American Federation of Labor met in Chicago on the 12th of July, and Debs made an ardent appeal to them to call a general strike of all labor organizations. But the conference decided that "it would be unwise and disastrous to the interests of labor to extend the strike any further than it had already gone" and advised the strikers to return to work. Thereafter the strike rapidly collapsed, although martial law had to be proclaimed and, before quiet was restored, some sharp conflicts still

took place between federal troops and mobs at Sacramento and other points in California. On the 3d of August the American Railway Union acknowledged its defeat and called off the strike. Meanwhile Debs and other leaders had been under arrest for disobedience to injunctions issued by the federal courts. Eventually Debs was sentenced to jail for six months,¹ and the others for three months. The cases were the occasion of much litigation in which the authority of the courts to intervene in labor disputes by issuing injunctions was on the whole sustained. The failure and collapse of the American Railway Union appears to have ended the career of Debs as a labor organizer, but he has since been active and prominent as a Socialist party leader.

Public approval of the energy and decision which President Cleveland displayed in handling the situation was so strong and general that it momentarily quelled the factional spirit in Congress. Judge Thomas M. Cooley, then probably the most eminent authority on constitutional law, wrote a letter expressing "unqualified satisfaction with every step" taken by the President "in vindication of the national authority." Both the Senate

¹ Under Section IV of the Anti-Trust Law of 1890.

and the House adopted resolutions endorsing the prompt and vigorous measures of the Administration. The newspapers, too, joined in the chorus of approval. A newspaper ditty which was widely circulated and was read by the President with pleasure and amusement ended a string of verses with the lines:

The railroad strike played merry hob,
The land was set aflame;
Could Grover order out the troops
To block the striker's game?
One Altgeld yelled excitedly,
"Such tactics I forbid;
You can't trot out those soldiers," yet
That's just what Grover did.

In after years when people talk
Of present stirring times,
And of the action needful to
Sit down on public crimes,
They'll all of them acknowledge then
(The fact cannot be hid)
That whatever was the best to do
Is just what Grover did.

This brief period of acclamation was, however, only a gleam of sunshine through the clouds before the night set in with utter darkness. Relations between President Cleveland and his party in the Senate had long been disturbed by his

refusal to submit to the Senate rule that nominations to office should be subject to the approval of the Senators from the State to which the nominees belonged. On January 15, 1894, eleven Democrats voted with Senator David B. Hill to defeat a New York nominee for justice of the Supreme Court. President Cleveland then nominated another New York jurist against whom no objection could be urged regarding reputation or experience; but as this candidate was not Senator Hill's choice, the nomination was rejected, fourteen Democrats voting with him against it. President Cleveland now availed himself of a common Senate practice to discomfit Senator Hill. He nominated Senator White of Louisiana, who was immediately confirmed as is the custom of the Senate when one of its own members is nominated to office. Senator Hill was thus left with the doubtful credit of having prevented the appointment of a New Yorker to fill the vacancy in the Supreme Court. But this incident did not seriously affect his control of the Democratic party organization in New York. His adherents extolled him as a New York candidate for the Presidency who would restore and maintain the regular party system without which, it was contended, no administration could be successful in

framing and carrying out a definite policy. Hill's action in again presenting himself as a candidate for Governor in the fall of 1894 is intelligible only in the light of this ambition. He had already served two terms as Governor and was now only midway in his senatorial term; but if he again showed that he could carry New York he would have demonstrated, so it was thought, that he was the most eligible Democratic candidate for the Presidency. But he was defeated by a plurality of about 156,000.

The fall elections of 1894, indeed, made havoc in the Democratic party. In twenty-four States the Democrats failed to return a single member, and in each of six others only a single district failed to elect a Republican. The Republican majority in the House was 140, and the Republican party also gained control of the Senate. The Democrats who had swept the country two years before were now completely routed.

Under the peculiar American system which allows a defeated party to carry on its work for another session of Congress as if nothing had happened, the Democratic party remained in actual possession of Congress for some months but could do nothing to better its record. The leading

occupation of its members now seemed to be the advocacy of free silver and the denunciation of President Cleveland. William J. Bryan of Nebraska was then displaying in the House the oratorical accomplishments and dauntless energy of character which soon thereafter gained him the party leadership. With prolific rhetoric he likened President Cleveland to a guardian who had squandered the estate of a confiding ward and to a trainman who opened a switch and caused a wreck, and he declared that the President in trying to inoculate the Democratic party with Republican virus had poisoned its blood.

Shortly after the last Democratic Congress — the last for many years — the Supreme Court undid one of the few successful achievements of this party when it was in power. The Tariff Bill contained a section imposing a tax of two per cent on incomes in excess of \$4000. A case was framed attacking the constitutionality of the tax,¹ the parties on both sides aiming to defeat the law and framing the issues with that purpose in view. On April 8, 1895, the Supreme Court rendered a judgment which showed that the Court was evenly divided on some points. A rehearing was ordered and a

¹ *Pollock vs. Farmers' Loan and Trust Company*, 157 U. S. 429.

final decision was rendered on the 20th of May. By a vote of five to four it was held that the income tax was a direct tax, that as such it could be imposed only by apportionment among the States according to population, and that as the law made no such provision the tax was therefore invalid. This reversed the previous position of the Court¹ that an income tax was not a direct tax within the meaning of the Constitution, but that it was an excise. This decision was the subject of much bitter comment which, however, scarcely exceeded in severity the expressions used by members of the Supreme Court who filed dissenting opinions. Justice White was of the opinion that the effect of this judgment was "to overthrow a long and consistent line of decisions and to deny to the legislative department of the Government the possession of a power conceded to it by universal consensus for one hundred years." Justice Harlan declared that it struck "at the very foundation of national authority" and that it gave "to certain kinds of property a position of favoritism and advantage inconsistent with the fundamental principles of our social organization." Justice Brown hoped that "it may not prove the first step towards the

¹ *Springer vs. United States*, 102 U. S. 586.

submergence of the liberties of the people in a sordid despotism of wealth." Justice Jackson said it was "such as no free and enlightened people can ever possibly sanction or approve." The comments of law journals were also severe, and on the whole the criticism of legal experts was more outspoken than that of the politicians.

Public distrust of legislative procedure in the United States is so great that powers of judicial interference are valued to a degree not usual in any other country. The Democratic platform of 1896 did not venture to go farther in the way of censure than to declare that "it is the duty of Congress to use all the constitutional power which remains after that decision, or which may come from its reversal by the court as it may hereafter be constituted, so that the burdens of taxation may be equally and impartially laid, to the end that wealth may bear its due proportion of the expenses of the government." Even this suggestion of possible future interference with the court turned out to be a heavy party load in the campaign.

With the elimination of the income tax the revenues of the country became insufficient to meet the demands upon the Treasury, and Carlisle was obliged to report a deficit of \$42,805,223 for 1895.

The change of party control in Congress brought no relief. The House, under the able direction of Speaker Reed, passed a bill to augment the revenue by increasing customs duties and also a bill authorizing the Secretary of the Treasury to sell bonds or issue certificates of indebtedness bearing interest at three per cent. Both measures, however, were held up in the Senate, in which the silver faction held the balance of power.¹ On February 1, 1896, a free silver substitute for the House bond bill passed the Senate by a vote of forty-two to thirty-five, but the minority represented over eight million more people than the majority. The House refused, by 215 to 90, to concur in the Senate's amendment, and the whole subject was then dropped.

President Cleveland had to carry on the battle to maintain the gold standard and to sustain the public credit without any aid from Congress. The one thing he did accomplish by his efforts, and it

¹ The distribution of party strength in the Senate was: Republicans, 43; Democrats, 39; Populists, 6. Republicans made concessions to the Populists which caused them to refrain from voting when the question of organization was pending, and the Republicans were thus able to elect the officers and rearrange the committees, which they did in such a way as to put the free silver men in control of the committee on finance. The bills passed by the House were referred to this committee, which thereupon substituted bills providing for free coinage of silver.

was at that moment the thing of chief importance, was to put an end to party duplicity on the silver question. On that point at least national party platforms abandoned their customary practice of trickery and deceit. Compelled to choose between the support of the commercial centers and that of the mining camps, the Republican convention came out squarely for the gold standard and nominated William McKinley for President. Thirty-four members of the convention, including four United States Senators and two Representatives, bolted. It was a year of bolts, the only party convention that escaped being that of the Socialist Labor party, which ignored the monetary issue save for a vague declaration that "the United States have the exclusive right to issue money." The silver men swept the Democratic convention, which then nominated William Jennings Bryan for President. Later on the Gold Democrats held a convention and nominated John M. Palmer of Illinois. The Populists and the National Silver party also nominated Bryan for President, but each made its own separate nomination for Vice-President. Even the Prohibitionists split on the issue, and a seceding faction organized the National party and inserted a free silver plank in their platform.

In the canvass which followed, calumny and misrepresentation were for once discarded in favor of genuine discussion. This new attitude was largely due to organizations for spreading information quite apart from regular party management. In this way many able pamphlets were issued and widely circulated. The Republicans had ample campaign funds; but though the Democrats were poorly supplied, this deficiency did not abate the energy of Bryan's campaign. He traveled over eighteen thousand miles, speaking at nearly every stopping place to great assemblages. McKinley on the contrary stayed at home, although he delivered an effective series of speeches to visiting delegations. The outcome seemed doubtful, but the intense anxiety which was prevalent was promptly dispelled when the election returns began to arrive. By going over to free silver the Democrats wrested from the Republicans all the mining States except California, together with Kansas and Nebraska, but the electoral votes which they thus secured were a poor compensation for losses elsewhere. Such old Democratic strongholds as Delaware, Maryland, and West Virginia gave McKinley substantial majorities, and Kentucky gave him twelve of her thirteen electoral

votes. McKinley's popular plurality was over six hundred thousand, and he had a majority of ninety-five in the electoral college.

The nation approved the position which Cleveland had maintained, but the Republican party reaped the benefit by going over to that position while the Democratic party was ruined by forsaking it. Party experience during the Cleveland era contained many lessons but none clearer than that presidential leadership is essential both to legislative achievement and to party success.

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